



Lakesite Zoning Ordinance

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- Residential
- Business
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LAKE SITE ZONING ORDINANCE



Amended through SEPTEMBER 2011

TABLE OF CONTENTS

LAKESITE ZONING ORDINANCE

CHAPTER I APPLICATION AND AUTHORITY OF REGULATIONS

SECTION 101 AUTHORITY	4
SECTION 102 GENERAL PURPOSE AND INTENT	4
SECTION 103 MUNICIPAL PLANNING COMMISSION	4
SECTION 104 INTERPRETATION AND CONFLICT	4
SECTION 105 CHANGES AND AMENDMENTS	4
SECTION 106 ENFORCEMENT, VIOLATIONS AND PENALTIES	5
SECTION 107 VALIDITY	5
SECTION 108 EFFECTIVE DATE	5

CHAPTER II DEFINITIONS

SECTION 200 CONSTRUCTION OF LANGUAGE	6
SECTION 201 DEFINITIONS	6

CHAPTER III GENERAL REGULATIONS

SECTION 301 ZONES AND BOUNDARIES	11
SECTION 302 SUPPLEMENTAL REGULATIONS AND EXCEPTIONS	12
SECTION 303 NON-CONFORMING USES	14
SECTION 304 SITE PLAN	14
SECTION 305 SPECIAL EXCEPTION PERMITS	15
SECTION 306 LANDSCAPE REQUIREMENTS	20
SECTION 307 PARKING AND LOADING SPACE REQUIREMENTS	30

CHAPTER IV ZONES

SECTION 401 R-1 RESIDENTIAL ZONE	35
SECTION 402 R-2 RESIDENTIAL ZONE	36
SECTION 403 R-3MD MODERATE DENSITY APARTMENT TOWNHOUSE ZONE	37
SECTION 404 R-3 RESIDENTIAL ZONE	39
SECTION 405 R-5 RESIDENTIAL ZONE	40
SECTION 406 PLANNED RESIDENTIAL DEVELOPMENT (PRD) ZONE	41
SECTION 407 MIXED USE ZONE (MXU)	48
SECTION 408 C-1 COMMERCIAL ZONE	56
SECTION 409 M-2 LIGHT INDUSTRIAL ZONE	57

CHAPTER V FLOODPLAIN REGULATIONS

SECTION 501 STATUTORY AUTHORIZATION, FINDS OF FACT, PURPOSE AND OBJECTIVES	59
SECTION 502 DEFINITIONS	60
SECTION 503 GENERAL PROVISIONS	67
SECTION 504 ADMINISTRATION	69
SECTION 505 PROVISIONS FOR FLOOD HAZARD REDUCTION	72
SECTION 506 VARIANCE PROCEDURES	80
SECTION 507 WARNING AND DISCLAIMER OF LIABILITY	82

CHAPTER VI APPEALS AND VARIANCES

SECTION 601 CITY COMMISSION TO CONSIDER APPEALS FOR VARIANCES OR SPECIAL EXCEPTIONS	83
SECTION 602 CONDITIONS FOR DECISION	83
SECTION 603 APPLICATION AND PROCEDURE	84
SECTION 604 EXPIRATION	84
SECTION 605 REVIEWS BY COURT	84

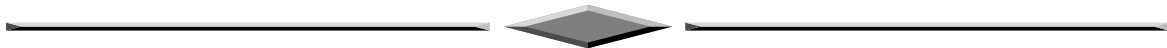
**LAKESITE ZONING ORDINANCE
ORDINANCE NO. 60 AND AMENDMENTS**

AN ORDINANCE regulating and restricting the use of land and the use and location of buildings and structures; regulating and determining the area of yards, courts and other places surrounding same; regulating and restricting the density of population; dividing the City of Lakesite into zones for such purposes; adopting maps of said city showing boundaries and classification of such zones; providing for correcting errors and granting variances, and prescribing penalties for the violation of its provisions.

WHEREAS, by the provisions of Sections 13-3-1, et. seq., Tennessee Code Annotated, the Board of Commissioners of the City of Lakesite is authorized to establish districts or zones within its corporate limits for the purpose of regulating the use of land and buildings, the height of buildings, the size of open space surrounding buildings, and the density of population; and

WHEREAS, the Board of Commissioners of the City of Lakesite deems it necessary in order to lessen the congestion in the streets, to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, to make and promulgate such regulations with reasonable consideration among other things, to the character of the zones and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout said City in accordance with a comprehensive plan; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF LAKESITE, TENNESSEE, THAT THIS ORDINANCE SHALL BE KNOWN AND CITED AS THE "LAKESITE ZONING ORDINANCE". Passed on Final Reading May 19, 1988.



ORDINANCE #189 ADOPTED 6/16/2009 to update and recodify zoning ordinance.

CHAPTER I APPLICATION AND AUTHORITY OF REGULATIONS

SECTION 101 AUTHORITY

The City of Lakesite pursuant to Tennessee Code Annotated §13-7-201 hereby ordains and enacts into law the following articles and sections.

SECTION 102 GENERAL PURPOSE AND INTENT

This zoning regulations are adopted in order to promote and protect the public health, morals, comfort, convenience, safety, property and general welfare of the residents of the City of Lakesite, and to secure the public rights in the orderly development of Lakesite through promoting adequate light and air, securing safety from fire and other dangers; lessening congestion on public roads, preventing excessive concentrations or wasteful scattering of people and settlement, and facilitating and conserving adequate provisions of infrastructure and facilities as transportation, water flowage, water supply, drainage, sanitation, schools, parks and recreation, as well as guiding the land use development in accordance with the Lakesite comprehensive plan.

SECTION 103 MUNICIPAL PLANNING COMMISSION

The Chattanooga-Hamilton County Regional Planning Commission is hereby designated as the municipal planning commission for the City of Lakesite.

SECTION 104 INTERPRETATION AND CONFLICT

In interpreting and applying the provision of this Ordinance, the interpretation shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare of the community.

It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, agreements, the provisions of this Ordinance shall control.

If, because of error or omission in the zoning map, any property in the City of Lakesite, Tennessee, is not shown as being in a zoning district, the classification of such property shall be R-1 zone, unless changed by amendments to the Zoning Ordinance.

SECTION 105 CHANGES AND AMENDMENTS

105.01 The Board of Commissioners of the City of Lakesite, Tennessee may, from time to time, amend, supplement, or change the regulations and zones herein or subsequently established; but no amendment shall become effective unless it be first submitted to and approved by the Planning Commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the Board of Commissioners.

105.02 Method of Procedure

A proposed change or amendment may originate with the City Commission, with the Planning Commission, or on petition. The proposed change or amendment must first be referred to the Planning Commission for a recommendation. The City Commission shall give at least fifteen (15) days prior notice of time and place for a public hearing, which shall be held in regard to the proposed changes or amendments. This notice shall be published in a newspaper of general circulation in the City.

105.03 Public Hearing

That a petition to rezone, referred to the City Commission by the Chattanooga-Hamilton County Regional Planning Commission, shall not be heard unless said petition is set for public hearing before the City Commission within three (3) months of the date when the Planning Commission referred said petition to the City Commission, and such petition shall not be advertised for a public hearing unless the petitioner pays the costs of advertisement.

SECTION 106 ENFORCEMENT, VIOLATIONS AND PENALTIES

The Building Official is hereby designated and authorized to enforce this Ordinance. For purposes of enforcement the Building Official has the discretion to interpret the intent of any zoning condition imposed by the governing body of the City.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement for any of the provisions of this Ordinance shall be fined not more than fifty dollars (\$50.00) for each offense. Each day a violation exists shall constitute a separate offense.

SECTION 107 VALIDITY

Should any section, sub-section, phrase, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 108 EFFECTIVE DATE

This Ordinance shall take effect two weeks from and after its passage, the public welfare requiring it.
PASSED on second and final reading (On roll Call Vote). June 16, 2009

CHAPTER II DEFINITIONS

SECTION 200 CONSTRUCTION OF LANGUAGE

For the purpose of this Ordinance, the following terms, phrases, and words shall have the specific definitions as listed in Section 201. When consistent with the context words used in the present tense include the future, and singular include the plural; the word “shall” is mandatory; the word “may” or “should” is permissive; the word “person” includes an individual, a corporation, a partnership (general or limited), a limited liability company, and incorporated association, or any other similar entity; the words “used for” or “use” include “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for,” and the words “zone,” “zoning district,” and “district” shall mean the same thing. In case of any difference of meaning of implication between the text of these controls and any caption illustration, summary, table of illustration, the text shall control. The words “this ordinance,” “these regulations,” “the regulations,” “said regulations,” “the zoning regulations,” and “said zoning regulations,” shall be deemed to refer to the Lakesite Zoning Ordinance.

SECTION 201 DEFINITIONS

Accessory Structure: DELETED (Ord. #199, 10/19/10 – See Chapter V, Floodplain Regulations)

Addition (to an existing building): DELETED (Ord. #199, 10/19/10 – See Chapter V, Floodplain Regulations)

Alley: A way which affords only a secondary means of access to abutting property.

Apartment Houses: See "Dwelling, Multiple"

Appeal: means a request for a review of the Building Official’s interpretation of any provision of this Ordinance or a request for a variance.

Area of Special Flood-related Erosion Hazard: DELETED (Ord. #199, 10/19/10 – See Chapter V, Floodplain Regulations)

Area of Special Flood Hazard: DELETED (Ord. #199, 10/19/10 – See Chapter V, Floodplain Regulations)

Base Flood: DELETED (Ord. #199, 10/19/10 – See Chapter V, Floodplain Regulations)

Basement: DELETED (Ord. #199, 10/19/10 – See Chapter V, Floodplain Regulations)

Bike Lane: Class II on- road facilities includes bicycle lanes and shouldered bikeways. A bicycle lane is a portion of the roadway separated from conventional travel lanes with a stripe, and designated for exclusive or preferential use by bicyclists. They are one-way facilities placed on both sides of a street in order to carry bicyclists in the same direction as motor vehicle traffic.

Bike Route: Class III on-street facilities includes bicycle routes. On a bike route, bicyclists and motorists share the same travel lanes. Motorists will typically have to move into the adjacent lane in order to safely pass a bicyclist

Bioretention cell: is a multi-functional landscaped depression that uses plants and layers of soil, sand, and mulch to control runoff volume and timing, reduce the temperature of and remove pollutants from storm water before it enters local waterways. Bioretention cells can be incorporated into open space, roadway swales, and parking areas.

Boarding House: A building, other than a hotel, where meals are furnished by pre-arrangements for definite periods for compensation to four (4) or more persons who are not related to each other by blood, marriage, or legal adoption.

Boundary Map (FHBM). DELETED (Ord. #199, 10/19/10 – See Chapter V, Floodplain Regulations)

Building: Any structure used or built for the shelter or enclosure of persons, animals, or chattels (see structure).

Building Height of: The vertical distance between the level and the highest point of the roof surface of a flat roof, the deck line of a mansard roof and to a point two-thirds (2/3) the height of a gable, hip or gambrel roof: If the building is set back from the street line, the height may be measured from the average elevation of the finished grade at the front of the building, provided that the distance from the street line to the front of the building is not less than the height of such finished grade above the established curb level.

Car Lot: Any parcel of land used for the storage, display, and sale of new and used automobiles and where no repair work is done except the necessary reconditioning of the cars to be displayed and sold on the premises. (Ord. #204, 8/16/11)

Curb Level: The mean level of the established curb in front of the building. Where no such curb has been established, the City Engineer shall establish such curb level.

Day Care Center: A place, except schools graded one (1) through twelve (12), and kindergartens operated by any governmental unit or under the supervision of any religious organization, operated by a person, society, agency, corporation, or institution, or any group wherein are received for pay six (6) or more children under 17 years of age for group care, without transfer of custody, for less than 24 hours per day. The term "day care center" shall include but not be limited to child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before and after school care regardless of name, purpose, or auspices. Also, a place operated by a person, society, agency, corporation, or institution, or any group where are received for pay six (6) or more aged persons for group care for less than 24 hours per day. This definition is not applicable to any such use operated by any governmental unit. (Ord. #201, 5/17/11)

Day Care Home: A home operated by any person who received therein for pay not more than five (5) children under 17 years of age, who are not related to such person and whose parents or guardians are not residents of the same house, for less than 24 hours supervision and care, without transfer of custody. Also, a home operated by any person who receives therein for pay not more than five (5) aged persons, who are not related to such person, for less than 24 hours supervision and care. (Ord. #210, 5/17/11)

Development: DELETED (Ord. #199, 10/19/10) – See Chapter V, Floodplain Regulations

Dwelling Unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, cooking, sleeping and eating.

Dwelling: Any building or structure or part thereof used and occupied for human habitation or intended to be so used, including any outhouses or appurtenances belonging thereto or usually enjoyed therewith.

Dwelling, Single Family: A building occupied or intended to be occupied as an abode of one family.

Dwelling, Two Family (Duplex): A detached building designed for or occupied exclusively by two families, independently of each other.

Dwelling, Multiple: A building or portion thereof used or designed as a residence for three or more families living independently of each other.

Elevated Building: DELETED (Ord. #199, 10/19/10– See Chapter V, Floodplain Regulations)

Existing Construction: DELETED (Ord. #199, 10/19/10– See Chapter V, Floodplain Regulations)

Existing Manufactured Home Park or Subdivision: DELETED (Ord. #199, 10/19/10– See Chapter V, Floodplain Regulations)

Existing Structures: DELETED (Ord. #199, 10/19/10– See Chapter V, Floodplain Regulations)

Expansion to an Existing Manufactured Home Park or Subdivision: DELETED (Ord. #199, 10/19/10– See Chapter V, Floodplain Regulations)

Family: Any number of individuals living together as a single housekeeping unit.

Flood Elevation Study: DELETED (Ord. #199, 10/19/10– See Chapter V, Floodplain Regulations)

Flood Hazard Boundary Map (FHBM): DELETED (Ord. #199, 10/19/10 – See Chapter V, Floodplain Regulations)

Flood Insurance Rate Map (FIRM): DELETED (Ord. #199, 10/19/10– See Chapter V, Floodplain Regulations)

Flood Insurance Study: DELETED (Ord. #199, 10/19/10 – See Chapter V, Floodplain Regulations)

Floodplain or flood-prone area: DELETED (Ord. #199, 10/19/10) – See Chapter V, Floodplain Regulations

Floodplain Management: DELETED (Ord. #199, 10/19/10– See Chapter V, Floodplain Regulations)

Flood Protection System: DELETED (Ord. #199, 10/19/10 – See Chapter V, Floodplain Regulations)

Floodproofing: DELETED (Ord. #199, 10/19/10– See Chapter V, Floodplain Regulations)

Flood-related Erosion: DELETED (Ord. #199, 10/19/10– See Chapter V, Floodplain Regulations)

Flood-related Erosion Area or Flood-related Erosion Prone Area: DELETED (Ord. #199, 10/19/10– See Chapter V, Floodplain Regulations)

Flood-related Erosion Area Management: DELETED (Ord. #199, 10/19/10– See Chapter V, Floodplain Regulations)

Floodway: DELETED (Ord. #199, 10/19/10 – See Chapter V, Floodplain Regulations)

Floor: means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Frontage: The width of the lot measured at: (1) the required front yard setback line, or (2) the front of the building. The width of the property at the street shall not be less than twenty-five (25) feet capable of being used for ingress and egress, except in cases where an existing structure(s) and its required side yard could not accommodate, then the width shall not be less than fifteen (15) feet capable of being used for ingress and egress.

Garage. Private: A building or space used as an accessory to or a part of a main building permitted in any residential zone and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

Garage. Public: Any building or premises, except those described as a private or storage garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repair or kept for remuneration, hire or sale.

Garage. Storage: Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

Guest Lodging: An attached or detached accessory building or portion of the primary building used as sleeping quarters for referred guests of the owners or patrons of the primary recreational facilities. The guest lodging shall not include any cooking facilities and is not open to the public.

Home Occupation: An occupation conducted in a dwelling unit, provided that:

- (a.) No person other than members of the family residing on the premises shall be engaged in such occupation;
- (b.) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (c.) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;
- (d.) There shall be no sales of products or commodities on the premises;
- (e.) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (f.) No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises. or causes fluctuations in the line voltage off the premises. In the case of a duplex, or apartment building, no use shall be permitted which affects another unit in the same building in the above mentioned ways.

Loading Space: space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, having a minimum dimension of twelve (12) feet by thirty-five (35) feet and a minimum vertical clearance of fourteen (14) feet.

Lodger: An occupant of a lodging or rooming house other than the owner or caretaker or his immediate family.

Lodging (Rooming) House: Any house, or other structure, or any place or location kept, used, maintained, advertised, or held out to the public to be a place where living or sleeping accommodations are supplied for pay to transient or permanent guests or tenants, whether in one or adjoining buildings.

Lot: A parcel of land occupied or intended for occupancy by a building together with its accessory

buildings; including the open space required under this Ordinance. For the purpose of this Ordinance, the word “lots” shall be taken to mean any number of contiguous lots or portions thereof, not separated by streets, upon which one or more main structures for a single use are erected or are to be erected.

Lot. Corner: A lot abutting upon two (2) or more streets at their intersection.

Lot. Depth: The depth of a lot for the purpose of this Ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite main rear line of the lot.

Lot. Width: The length of the line marking the rear of the required front yard. In zones where no front is required, the lot width shall be the same as the lot frontage.

Lot. Interior: A lot other than a corner lot.

Lot Lines: The lines bounding the lot.

Lot. Through: An interior lot having frontage on two streets, other than a corner lot.

Manufactured Homes (Mobile Home): A factory assembled transportation structure, which exceeds eight (8) body feet in width and thirty-two (32) body feet in length, designed for use as living quarters, and built on a chassis. Such a unit may consist of one or more components which can be retracted for towing purposes and subsequently expanded for additional capacity; and/or consist of two or more units separately towable, but designed to be joined as one integral unit, with or without a permanent foundation. All manufactured or mobile homes on individual standard lots shall be placed on a permanent foundation and have a permanent enclosure around the bottom of the structure. There shall also be a permanently affixed porch or entrance steps with hand railings as regulated by the International Building Code. Plans must be submitted and approved by the Building Official before a building permit is issued.

Manufactured Home Park or Subdivision: means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Minimum Building Site: The minimum building site is the area bounded by the building footings and/or foundation, plus five (5) feet in all directions.

Modular Unit (Sectional or Relocatable Home): A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a single structure without carriage or hitch. The term is intended to apply to major assemblies and may not include prefabricated sub-elements, which are to be incorporated into a structure at the site. Such units are designed as stationary construction for placement upon permanent foundation, to be connected to utilities, and may consist of one or more components.

New Construction: any structure for which the “start of construction” commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

Non-Conforming Use: A use that does not conform to the regulations of the zone in which it is situated.

Parking Lot: An area or plot of land used for the storage or parking of vehicles, including all necessary additional space needed for vehicular access or maneuvering thereto or therefrom.

Parking Space: A space not less than eight (8) by twenty (20) feet per vehicle plus all necessary additional space needed for vehicular access thereto.

Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Recreational Marina: A marina or port, whether or not organized and operated for profit, which is used primarily to provide facilities for recreational or pleasure boats, crafts, ships, or vessels.

Recreational Vehicle: means a vehicle which is

- (a.) built on a single chassis;
- (b.) 400 square feet or less when measured at the largest horizontal projections;
- (c.) designed to be self-propelled or permanently towable by a light duty truck; and
- (d.) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park: Any plot of land upon which two or more recreation vehicles are located and used as temporary living or sleeping quarters for recreation or vacation purposes.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. In computing the height of building, the height of basement shall not be included if below grade.

Streets: Those rights-of-way dedicated to the public and accepted by the public authorities, including highways and roads, and provides primary access to the abutting properties.

Structure: means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Structural Alterations: Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders.

Substantial Damage: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: DELETED (Ord. #199, 10/19/10) – See Chapter V, Floodplain Regulations

Townhouse: A townhouse is a single-family dwelling unit attached by fireproof common walls from the ground to the roof to other similar type units. Each unit, having an open space for light, air, and access in the front and rear, has its own direct ground level access to the outdoors. No dwelling unit is above or below another dwelling. It is also intended that the townhouse development be sold in “fee simple” to encourage owner occupancy.

Variance: is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

Warehouse (mini or self-storage): A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer’s goods or wares.

Yard: An open space on the same lot with a building unoccupied and obstructed from the ground upward, except by trees, plants, shrubbery, walls, fences, ornaments, utility poles and wires, dog houses, outdoor furniture, swimming pool, accessory buildings, gas pumps, pump islands, signs (where permitted), tanks, and similar things merely accessory to the main building or the permitted use thereof.

Yard, Front: A yard across the full width of the lot, extending from the front line of the building, including porches, to the front line of the lot.

Yard, Side: An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot where no rear yard is required.

Yard, Rear: A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

CHAPTER III GENERAL REGULATIONS

SECTION 301 ZONES AND BOUNDARIES

301.1 Division into Zones

In order to regulate and limit the height and size of buildings; to regulate and limit intensity of the use of lot areas; to regulate and determine the areas of open spaces within the surrounding buildings; to classify, regulate, and restrict the location of trades and industries; and the location of buildings designed to specified industrial, business, residential, and other uses, the City of Lakesite, Tennessee is hereby divided into the following zones:

R-1	Residential Zone (Single Family Residential Zone)
R-2	Residential Zone (Urban Residential Zone)
R-3MD	Residential Zone (Medium Density Zone)
R-3	Residential Zone (Apartments and Townhouses)
R-5	Residential Zone (Single wide trailers and trailer parks)
PRD	Planned Residential Development
MXU	Mixed Use Zone (Medium Density Mixed Use Suburban Development Zone)
C-1	Commercial Zone (Local Business Commercial Zone)
M-2	Light Industrial Zone (Wholesale and Light Industry Zone)

301.02 The Zoning Map

The Commission of the City of Lakesite has adopted the Official Zoning Map (also known as the Digital Zoning Map or Zoning Map). This map contains the boundary of the above zones as described in this Zoning Ordinance and conforms to provisions of this Zoning Ordinance and all ordinances and laws related to zoning that are now in effect and which in the future may be in effect. The map and all notations, references and other information shown thereon are a part of this Ordinance.

The repository for the Official Zoning Map, in any form including digital as shown on a geographic overage layer as part of the geographic information system (GIS), is the Regional Planning Agency (RPA). The RPA also has the responsibility for maintenance of the Official Zoning Map. The Planning Director, or designee, shall revise the Official Zoning Map when amendments are passed by the governing body.

No unauthorized person may alter or modify the Official Zoning Map. Errors in the Official Zoning Map shall be corrected as they are discovered, and the corrected information shall be shown on the GIS system.

301.03 In the creation by this Ordinance of the respective zones, the City Commission has given due and careful consideration to the peculiar suitability of each and every such zone for the particular regulations applied thereto, and the necessary, proper and comprehensive grouping and arrangements of the various uses and densities of population in accordance with a well considered plan for the development of the City.

301.04 The boundaries of such zones are as shown upon the map adopted by this Ordinance or amendment hereto, are hereby adopted and approved and the regulations of this Ordinance governing the uses of land and buildings, the height of buildings, building site areas, the size of yards about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land including water area, within the boundaries of each and every zone shown on said map.

301.05 Where uncertainty exists as to boundaries of any zone shown on said map, the following rules shall apply:

- (a) Zone boundaries which appear to approximately following street or alley shall be the center line of such boundaries;
- (b) Zone boundaries which appear to follow the lot lines or property lines shall coincide with such lines.
- (c) In unsubdivided property where a zone boundary divides a lot, the location of such boundary,

unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;

- (d) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

301.06 Except as hereinafter provided, no building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all the regulations herein specified for the zone in which it is located.

301.07 Except as hereinafter provided, no yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yard or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance, except that lot(s) may be created that do not meet the minimum requirements established by this Ordinance when they are the result of the resubdivision of lot(s) of record and the newly created lot(s) are as large or larger than the previous lot(s).

SECTION 302 SUPPLEMENTAL REGULATIONS AND EXCEPTIONS

The following requirements or regulations qualify or supplement as the case may be, the regulations or requirements appearing elsewhere in this Ordinance.

302.01 Uses Restricted

Use of land, buildings, and structures not clearly permitted in the various zoning districts are prohibited.

302.02 Minimum Regulations

Within each zone, the regulations set by this Ordinance shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land.

302.03 Measurement

For purposes of this Ordinance and any location restrictions set forth herein, unless otherwise specified to the contrary, all measurements shall be made from the property line of any property desiring a particular use to the nearest property lines of any properties within a distance restriction.

302.04 Street Access

Every residential building hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a street. Every non-residential building and/or structure hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a street or a permanent recorded easement which conforms to the City of Lakesite Subdivision Regulations for easements.

302.05 Principal Building

There shall be no more than one (1) principal building per lot used for residential purposes in the R-1, R-2, and R-5 zones.

Area Regulations

A. No Yard or Space Counted Twice

No yard or other open space required by these regulations shall be considered as providing a yard or other open space of more than one (1) building.

B. Setback from Alleys

Setbacks from alleys, for buildings, or structures, shall be the same as the zone side and rear yard requirements.

C. Corner Lot

On corner lots in all zones, the same yard requirements on the street side shall be the same as the front yard requirements, except as otherwise stated herein,

D. Every part of a required yard shall be open from its lowest point to the sky unobstructed; except for the ordinary projections of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches, except eaves which shall not project more than thirty-six (36) inches

E. Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3 1/2) feet and the ordinary projections of chimneys and flues may be permitted by the City where same are so placed as not to obstruct the light and ventilation.

302.06 Height Regulations

Subject to other restrictions set forth herein, chimneys, water tanks or towers, penthouses scenery lots, elevator bulkheads, stacks, ornamental towers or spires, wireless or broadcasting towers, monuments, cupolas, domes, false mansards, parapet walls, similar structures, and necessary mechanical appurtenances to such structures may be built and used as established for the zone in which such structures are located.

302.07 A single family dwelling may be built on any lot duly recorded by deed at the time of passage of Zoning Ordinance No. 60 on May 19, 1988, or on any lot legally platted on record with the Hamilton County Register of Deeds on or before May 18, 1988, in any zone where dwellings are permitted regardless of lot size, provided the yard requirements for single family dwellings in that zone are met.

302.08 Curb-cuts

The location and design of all curb-cuts, points of access to and from all streets and parking and loading areas, parking and loading areas for all uses except single and two-family residences shall be submitted to and approved by the Building Official before building permits can be issued.

302.09 Installation of Screening

Any required screening must be in place prior to any building construction.

302.10 Signs for Traffic

Owners of private property used by the public shall install and maintain signs, signals, markings or other devices intended to regulate, warn or guide traffic in accordance with the standards as specified in the Manual on Uniform Traffic Control Devices. Businesses having fewer than twenty-five (25) parking spaces shall be exempt from the provisions of this section. The enforcement of these standards shall be the responsibility of the Building Official or his designee.

302.11 When it has been determined that an error in zoning has occurred which was caused by a mistake by the staff of any governmental agency, the Building Official may have the authority to issue temporary

building or other permits subject to the following conditions:

- (1) The applicant shall furnish a Bond in an amount satisfactory to the Building Official;
- (2) The applicant shall sign a document to be prepared by the Building Official which states that the applicant will be able to proceed with the building, for which review has been approved;
- (3) That the document shall contain a statement that the applicant shall be permitted to proceed with any building or other construction at their own peril;
- (4) That the applicant agrees to remove any improvements to the site at the applicant's expense within a time specified by the Building Official in order to fully comply with the requirements of the Zoning Ordinance.

SECTION 303. NON-CONFORMING USES.

303.01 The lawful use of a building existing at the time of the passage of this Ordinance shall not be affected by this Ordinance, although such use does not conform to the provisions of this Ordinance; and such use may be extended throughout the buildings, provided no structural alterations except those required by law or Ordinance, or ordered by an authorized office to secure the safety of the building, are made therein; but no such use shall be extended to occupy any land outside such buildings. If such non-conforming building is removed or the non-conforming use of such building is discontinued for 100 consecutive days, every future use of such premises shall be in conformity with the provisions of this Ordinance.

303.02 The lawful use of land existing at the time of the passage of this Ordinance shall not be affected by this Ordinance; provided however, that no such non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this Ordinance. If such non-conforming use is discontinued for a period of not less than one hundred (100) consecutive days, any future use of land shall be in conformity with the provisions of this Ordinance.

303.03 If no structural alterations are made, a non-conforming use may be changed to a use of the same classification according to the provisions of this Ordinance. When a zone shall hereafter be changed, any then existing non-conforming use in such changed zone may be continued or changed to a use of a similar classification; provided all other regulations governing the new use are complied with. Whenever a non-conforming use of a building has been discontinued or changed to a conforming use, such use shall not hereafter be changed to a non-conforming use.

303.04 Nothing in this Ordinance shall be taken to prevent the restoration within one year of a building destroyed to the extent of not more than sixty (60) percent of its value by fire, explosions or other casualty, or Act of God, or the public enemy, nor the continued occupancy of such building.

SECTION 304 SITE PLAN

304.01 Intent:

Site plans are required that will provide sufficient information for planners, planning commissioners, elected officials, and other interested parties to make more informed decisions regarding rezoning requests. Site plans that meet these requirements should promote greater understanding of the request and provide sufficient information under most circumstances to officials and stakeholders to allow informed decisions to be made.

304.02 Application: All zones except R-1

304.03 Minimum Requirements:

1. All site plans must be submitted on a minimum of tabloid size (11" x 17") paper. Larger sizes may be requested or provided. If a larger size is provided at least one (1) copy must be of tabloid (11" x 17") size.

2. Five (5) copies of each site plan are required.
3. All plans must be clear, legible, and drawn to scale.
4. A site plan requirements checklist is also required for submittal; applicants must certify that their submitted site plan meets the requirements as stated in this document.
5. All site plans submitted for rezoning **must** contain:
 - a. A legend that shows:
 - Ownership (name & address)
 - North arrow
 - Graphic Scale
 - Identification of the project contact person (including address, phone number, and email address)
 - Area in acres (total area being requested for rezoning)
 - For residential projects or mixed-use projects with a residential component, number of dwelling units and unit densities (dwelling units/gross acreage & dwelling units/net acreage)
 - b. A site plan map that shows:
 - Location map
 - Current zoning
 - Approximate location, size and dimensions of the existing or proposed building(s)
 - Property lines that contain the tract of land to be developed
 - Location of and access to all adjacent public streets
 - Vehicular and pedestrian points of ingress and egress, existing or proposed
 - Landscape buffers as required by ordinance or otherwise proposed
 - Proposed sidewalks
 - Approximate parking area design/redesign, including number of spaces and traffic circulation routes
 - Location of dumpsters
 - c. Additional information may be requested.

304.04 Site plan must be submitted in conjunction with rezoning applications.

SECTION 305 SPECIAL EXCEPTION PERMITS

305.01 General Standards and Procedure:

A. Purpose

In order to accomplish the general purpose of this Ordinance, it is necessary to give special consideration to certain uses because they are unique in nature, are potentially incompatible with existing development, or because effects of such uses cannot definitely be foreseen. These uses required special exception permits and listed under the various districts are so classified because they more intensely dominate or influence the area in which they are located than do other uses permitted by right in the district. However, the nature of such uses makes it desirable that they be specifically placed into the development pattern which exists at the time of their arrival.

B. Minimum Criteria for Consideration

Special exception permits may be approved where it can be shown that the proposed plan or use is in harmony with the general purpose and intent of the Zoning Ordinance. Also the decision shall be based on the following considerations:

- a. The impact of the proposed use on traffic;
- b. The impact of the operations of the proposed use on the surrounding area regarding to public health, safety, comfort, morals and general welfare in terms of the followings but not limited to
 - Hours of Operation
 - Light
 - Noise

- Gases, fumes, vapors, and/or heat
- c. The availability and adequacy of infrastructure and public facilities
- d. The compatibility of the proposed use with the surrounding uses.
- e. The consistency with adopted plans and policies including the general plan.

C. Special conditions:

Upon approval of a special exception permit, the City Commission may impose conditions that must be met by the applicant, but not limited to, as the followings:

- Increasing the minimum development standards;
- Limiting and controlling the dimensions, number, shape, and location of structures, including fences, signs, and buildings;
- Regulating the number and location of vehicular access points;
- Requiring the dedication of additional rights-of-way for public streets;
- Requiring the dedication of public use easements and the recording of the same;
- Regulating the design, manner, and timing of construction of any site improvements;
- Regulating the hours of operation of the proposed use;
- Providing for the maintenance or retention of any regulated site improvement;
- Requiring and designating the location and size of open space; and,
- Reclamation of any site after discontinuance of use or expiration or revocation of a permit.

D. Application

The applicant shall apply to the City Commission through the Chattanooga-Hamilton County Regional Planning Commission, following the same procedures and application requirements used for a rezoning request, including a public hearing before the Chattanooga-Hamilton County Regional Planning Commission, a recommendation by the Planning Commission to the City Commissioners, and a public hearing by the City Commission.

E. Effective Date

The City Commission's approval shall become effective on the date specified on the special exception permit amendment. No Building permit shall be issued prior to the effective date of approval. The Building permit shall be subject to all conditions and requirements stipulated by the City Commission.

F. Expiration

If the work described in any special exception permit has not begun within six (6) months from the date of issuance and completed within twenty four (24) months of the issuance, the special exception permit shall expire.

305.02 Commercial Communication Towers

A. Definitions:

- (a) Antenna: An apparatus designed for telephonic, radio, television or other communications through the sending and or receiving of electromagnetic waves.
- (b) Tower Height: The distance measured from the ground level to the highest point on the communication tower excluding antennae.
- (c) Communication Tower: Any structure that is designed and constructed primarily for the purpose of supporting any telecommunication antenna, dish or transmitter.

B. Statement of Intent and Regulations:

This regulation is designed to provide a standard for reviewing and issuing permits for the sighting of communicational towers. It is intended to minimize negative impacts of cellular towers by requiring landscape screening and encouraging co-location and conceal devices.

The City Commission may issue special exception permits for communication towers if the tower will not devalue or otherwise injure adjacent property or constitute a safety hazard. In every situation the reviewing body must find that the proposed site plan and tower design meets or exceeds all Federal Communications Commission (FCC) and American National Standard Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE) standards for power density levels and structural integrity.

C. Requirements: All permits shall be issued subject to the following provisions:

1. Location and Setback:

Towers shall be permitted in any zone subject to applicable provision of said zone. The tower shall also be set back at least the height of the tower plus 10 feet from any residential dwelling.

2. Co-location:

(a) New communication towers permitted to be constructed must accommodate a minimum of three (3) primary cellular communication systems and must be made available for co-location to more than one (1) commercial communication company. In addition, the site size must be suitable to accommodate additional telecommunication equipment shelters, cabinets or additions to existing structures.

(b) To further encourage co-location, additional users and associated equipment, which do not add to the tower height, may be added without additional approval. However, additional building code regulations may apply. All equipment buildings shall meet setback requirements.

3. Landscape Requirements:

(a) The visual impact of a tower on adjacent properties and streets shall be minimized to the extent practicable by utilizing existing topography, structures, and natural vegetation to screen the tower. For tower site not screened by existing structures or natural vegetation, it shall be landscaped with a ten (10) foot deep landscape yard with evergreen trees spaced a maximum of ten (10) feet apart on center or two (2) staggered rows of shrubs spaced a maximum of eight (8) feet apart. All plantings shall meet the requirements contained in Chapter III, Section 306.

(b) A break in the landscape not to exceed sixteen (16) feet in width shall be allowed for access for maintenance personnel and vehicles.

(c) New or existing vegetation, earth berms, existing topographic features, walls, screening fences, buildings and other features other than prescribed above may be used to meet the requirements of these regulations if the City Engineer or Building Official finds that they achieve reasonably equivalent screening as in subsection 306.07(a) herein.

(d) In commercial districts a sight-obscuring fence at least eight (8) feet in height and a minimum of seventy five percent (75%) opaque may be substituted for screening trees or screening shrubs as specified in subsection 306.05(a) herein.

(e) No screening shall be required if the bases of the communication tower site is not visible from adjoining property or is not otherwise visible from a dedicated public right-of-way.

(f) Site landscaping is not required for antennas which are being co-located on existing towers, or which are being placed on other buildings or structures where the antenna is allowed as an accessory use.

(g) No screening shall be required when this screening is explicitly prohibited by Federal Communication Commission regulations or is otherwise restricted by site limitations.

D. Application:

The following information must be provided at the time of application for a special exception:

(a) A scaled site plan, landscape plan and a scaled elevation view of the type of facility to be placed on the site. The site plan shall depict where the tower is to be located on the site and where additional co-located communication equipment, shelters or vaults can be placed.

(b) Name and address of the intended user(s) of the tower.

(c) Documentation provided by a registered engineer that the tower has sufficient structural integrity and equipment space to accommodate multiple users.

(d) Adequate documentation by the applicant that no suitable existing facilities within the coverage area are available to the applicant. Documentation shall include the service area needs, propagation studies, tower height, maps, and letters from adjacent tower owners. Existing facilities shall include other towers, buildings, and other structures of suitable height.

(e) Documentation of the number of other users that can be accommodated within the design parameters of the tower as proposed. If the tower will not accommodate the required number of users, the applicant must demonstrate with compelling evidence why it is not economically, aesthetically, or technologically feasible to construct the tower with the required co-location

capability. Application not fulfilling the co-location requirement is not eligible for administrative approval.

- (f) A statement indicating the owner's commitment to allow feasible shared use of the tower within its design capacity for co-location.
- (g) The names and addresses of all property owners within three hundred (300) feet of the site as measure from the property lines of the site upon which the tower is to be constructed to the nearest property line of any property within said distance.

E. Exemptions and Administratively Approved Sites: A special exception permit shall not be required under the following circumstances:

- (a) Concealed Towers / Devices: Communication towers and associated equipment which are totally concealed within a building or structure so that they are architecturally indiscernible may be permitted in all zoning districts subject to building permit procedures and standards. Architecturally indiscernible shall mean that the addition or feature containing the antenna is architecturally harmonious in such aspects as material, height, bulk, scale and design with the building or structure to which it is to be a part.
- (b) Additions to Existing Structures In Commercial District:
 - (1) An antenna, a dish or transmitter may be placed inside or on an existing structure, including but not limited to steeples, silos, spires, utility water tanks or towers, athletic field lighting poles, utility poles and similar structures. This exemption excludes any residential structure.
 - (2) The addition of the antenna and any supporting structure shall not add more than twenty (20) feet to the existing structure.
 - (3) The setback requirements listed in section 305.03 shall not apply to the structure used to support or house the antenna.
 - (4) If the addition causes any significant change to the ground level view of the existing structure, in the discretion of the City Engineer or Building Official the landscape screening requirement may be applied.
- (c) Existing Towers: Antennas, dishes, or similar equipment or additional users which do not add to the tower height, may be added to existing communication towers without obtaining a special exception permit, but shall be subject to all applicable zoning, setback, design, and building code regulations.
- (d) Towers for amateur radio.

F. Removal of Abandoned Antennas and Towers:

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and shall be removed by the property owner. Owner shall be subject to the penalty provisions of Chapter I Section 107 of the Lakesite Zoning Ordinance, if failed to remove the abandoned tower within ninety (90) days after receipt of notice from the City of Lakesite.

305.03 Recreational Marinas

Five (5) copies of the Recreational Marina site plan must be submitted at the time of the application for a special exception permit. This site plan, in addition to the requirements specified in section 304 shall be drawn to a scale no smaller than 1"=50' and include but not be limited to the following information:

- Location of all building(s) and explanations of their use.
- Location, type, and number of sanitary facilities as approved by the Chattanooga-Hamilton County Health Department or the Hamilton County Water and Wastewater Authority.

305.04 Recreational Vehicle Park

A. A permit may be granted to develop and operate a park for recreational vehicles under the conditions as listed below:

- (a) Site Plan – in addition to information as required in section 304, the site shall be drawn to a scale no smaller than 1"=50' and showing
 - (1) Name of the actual or beneficial owner(s)
 - (2) Location of the tract

- (3) Tract boundaries and acreage
 - (4) The number and general location of the trailer stands
 - (5) Recreational vehicle density and setbacks to the residential community
 - (6) Class of recreational vehicle to be accommodated
 - (7) Driveways, parking spaces, and sidewalks / footpaths
 - (8) Size and location of the nearest public waterline that is approved by the Tennessee Department of Environment and Conservation (if used)
 - (9) Type and location of sewage disposal facilities
 - (10) Rest rooms and shower facilities
 - (11) Landscaped area
 - (12) Recreation area
- (b) Accessory Uses
- (1) There may be one, but not more than one, small food market located on the recreation vehicle park site. It shall have no more than 1,000 square feet in floor area, and be in business to serve the transients of the park
 - (2) There may be one, but not more than one, structure containing a launderette. This building shall be located on the site and shall contain no more than 600 square feet in floor area. Such building shall be heated, lighted, sidewalled, and covered.
- B. Landscaping: A greenbelt planting strip shall be located along the property lines of the recreation vehicle camp where the property abuts a residential district except in those parts of the perimeter where such planting would create a traffic hazard by impairing visibility. Refer to Section 306 Landscaping for specific requirements.
- C. A recreational area composed of outdoor and/or indoor area totaling not less than one hundred (100) square feet for each space included within the park shall be developed and maintained by the management of the recreational vehicle park.
- D. The recreational vehicle park shall be kept in good repair to insure that the park shall be a pleasant, safe and sanitary living environment for present and future inhabitants.
- E. Location, type, and number of sanitary facilities as approved by the Chattanooga-Hamilton County Health Department or the Hamilton County Water and Wastewater Authority.

305.05 Day Care Centers and Day Care Homes

A special exception permit may be granted in district where a permit is required, subject to:

- (1) A site plan being submitted showing the location of the building, playground area, driveways, parking and loading areas, and other information, if requested.
- (2) The approval by the Municipal Engineer of the points of ingress and egress, internal circulation, loading areas and on-site parking.
- (3) The installation of a secured playground.
- (4) The residential character of the neighborhood being maintained.

305.06 Adult Oriented Establishments as defined in Lakesite Municipal Code §9-301.

A. Location Restrictions:

In no case shall an adult-oriented establishment be permitted to locate within five hundred feet (500') of any boundary of a R-1 Single Family Residential Zone, R-2 Urban Residential Zone, R-3MD Medium Density Zone, R-3 Apartments and Townhouses Zone, R-5 Single wide trailers and trailer parks Zone, PRD Planned Residential Development Zone MXU Mixed Use Zone (Medium Density Mixed Use Suburban Development Zone) or within five hundred feet (500') of a residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') from the nearest property line of a site which is used for the purpose of a recreational park (ornamental parks are not to be considered in the requirement), place of worship, school, day care center, or other adult-oriented establishment. Measurement shall be made from the

nearest recorded property line of the adult-oriented establishment to the nearest property line or boundary of the above mentioned uses.

B. Evaluation:

For the purpose of enforcing the regulations of this action, it shall be the responsibility of the building inspector to evaluate and advise the Planning Commission and the Board of Commissioners regarding compliance of a proposed adult-oriented establishment with the special restrictions set forth herein. It shall be the responsibility of the applicant to supply site plans, maps, surveys or other such special information as might reasonably be required and requested by the Planning Commission staff for use in making a thorough evaluation of the proposal.

C. Revocation and Hearing:

Regulation or change in dominant sales items or services offered to the public or failure to operate the establishment in conformity with any terms and specifications set forth in the conditions attached to the special exception permit after notice and hearing. Notice of the hearing before the Hamilton County Commission for revocation of the permit shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to applicant's last known address at least five (5) days prior to the date set for hearing.

SECTION 306 LANDSCAPE REQUIREMENTS

306.01 Purpose:

Lakesite's scenic landscapes are closely tied to our community's quality of life, community identity, and civic pride. These landscapes also form the critical first impressions of potential new employers, homeowners, and tourists, thus affecting Lakesite's economy. The intent and purpose of the landscape requirements are the following:

- To improve the appearance of parking areas and property abutting public rights-of-way;
- To protect property values;
- To reduce stormwater runoff and improve water quality;
- To improve air quality and create shade for cooling
- To provide transition between incompatible land uses; and
- To provide relief from traffic, noise, heat, glare, dust, and debris.

306.02 Applicability

A. Landscape requirements shall apply to the following activities:

- All new development and/or uses
- change in use of fifty percent (50%) or more of the gross floor area (GFA)
- All expansion which result in an increase of more than twenty-five percent (25%) of GFA or parking area.

B. Single family and two family detached residential structures on their single lots are exempt from landscape requirements.

C. Additional landscape requirements may be required within certain zones or uses. Refer to those sections of the Zoning Ordinance.

306.03 Landscape Plan Submittal

The Landscape Plan must be submitted with the rezoning request, building permit and/or the preliminary site plan. The scale shall be at least 1 inch equals 40 feet. The following elements shall be shown on the plan:

1. Existing and proposed contours at two (2) foot intervals or less;
2. Boundary lines and lot dimensions;
3. Date, graphic scale, north arrow, titles and name of owner, and the phone number of the persons or firm responsible for the landscape plan;
4. Location of all proposed /existing structures and storage areas;

5. Drainage features and one-hundred (100) year floodplain, if applicable;
6. Existing and proposed utility lines, and easements;
7. Existing trees or natural areas to be retained; and
8. The location of all required landscaped areas
9. Location, installation size, quantity, and scientific and common names of landscaping to be installed; and
10. The spacing between trees and shrubs used for screening.

306.04 Hardship

A. This Article does not intend to create undue hardship on affected properties. In consideration of modifications from the requirements of these regulations, the followings shall be considered:

1. Conditions which are unique to the applicant's land.
2. The manner in which strict application of the provisions of these regulations deprive the applicant of a reasonable use of the land in a manner equivalent to that permitted other landowners in the same zoning district.
3. The existence of unique conditions and circumstances that are not the result of actions of the applicant subsequent to the adoption of these regulations.
4. Whether the requested modification shall preserve, not harm, the public safety and welfare, and shall not alter the essential character of the neighborhood.
5. Whether the applicant has provided for landscaping and buffering that achieves the spirit of these regulations.

B. Special Administrative Remedies

1. Lots with a depth of one hundred fifty (150) feet or less, or an area of fifteen thousand (15,000) square feet or less have the following special remedies:
 - (a) an automatic fifty percent (50%) reduction in landscape yard depth requirements for screening, street yard, and parking lot landscaping sections; and
 - (b) a twenty-five percent (25%) reduction in planting requirements for all sections except for the required evergreen plantings for screening.
2. Lots that front on more than one (1) street have the following special exception:

All street frontages other than the primary street frontage may have a street yard with a minimum depth of four (4) feet.
3. In situations where the landscape requirements would result in the demolition of an existing building, a loss of more than ten percent (10%) of the gross required off-street parking for an existing development, or a loss of greater than fifteen percent (15%) of the lot area, the following administrative remedies may be applied:
 - (a) Reduce the required minimum landscaped area widths up to fifty percent (50%)
 - (b) Reduce the tree planting requirements by up to twenty five percent (25%)
 - (b) Administrative Remedy Guidelines
 - Where possible, reduction of landscaping requirements in one area should be offset by an increase of landscaping requirements in other portions of the site.
 - The first priority is to provide trees along the street frontage.
 - The second priority is to provide trees within portions of the parking lot that are highly visible from the street.
 - A screen should always be provided if it is required by this section. Where there are space limitations, reduce the landscape yard as necessary. If the planning area is less than five (5) feet in width, require a minimum six (6) feet tall wood or composite or masonry wall.
 - The building official or city manager may waive or substitute any landscaping requirement if existing vegetation and/or tree located on the same lot meet the intent of this landscape requirement.

306.05 Conflict

Where any requirement of this section conflicts with the requirement of another section or existing conditions in the Zoning Ordinance, the most restrictive requirement shall apply.

306.06 Street Yard Requirements

A. Intent

The intent of this section is to add quality and definition to the street by planting trees within a landscaped area along the edges of the right-of-way.

B. Dimensions

1. Except for points of access, a street yard shall be provided where the proposed development site adjoins the public street right-of-way. Alleys are exempt from this requirement.
2. The street yard shall have a minimum eight (8) feet as measured from the edge of the public right-of-way towards the interior of the property. The yard shall consist of sod grass or other natural living ground cover material. No impervious surfaces are permitted in the street yard area.

C. Plantings

1. Trees shall be planted within the street yard at a minimum ratio of one (1) tree per thirty (30) linear feet of right-of-way frontage. Trees do not have to be evenly spaced in thirty (30) feet increments. Fractions of trees shall be rounded up to the nearest whole number.
2. The minimum spacing between trees is fifteen (15) feet measured trunk to trunk. The maximum spacing is fifty (30) feet measured trunk to trunk.
3. The trees referred to in this section shall have a minimum expected maturity height of at least twenty (20) feet and a minimum expected canopy spread of ten (10) feet (see Plant Installation Specifications Section: Class II Shade Trees).

D. Existing Woodlands

Existing woodlands along the street right-of-way frontage can be substituted for the street yard requirements subject to the following:

1. Existing woodlands to be set aside shall have a minimum depth of twenty-five (25) feet as measured from the public street right-of-way;
2. Number of woodland trees (not including prohibited trees) having a minimum caliper of six (6) inches shall equal or exceed the minimum street tree planting ratio of one (1) tree per thirty-five (35) linear feet;
3. No impervious surfaces are permitted within the protected woodlands area except for approved access points to the site; and
4. No cutting/filling activities or storage of materials/equipment are permitted within the protected woodlands.

E. Exemptions/Special Situations

1. Properties adjoining rights-of-way that encroach into established parking areas more than twenty (20) feet have the following street yard options:
 - (a). Plant street trees within the right-of-way provided written permission is obtained from the owner of the public right-of way;
 - (b). If permission can not be obtained to plant in the right-of-way, no street yard will be required. However, the street trees will be relocated somewhere within the site in an area highly visible from the street. These trees can not be used to meet requirements in other sections;
2. Existing street trees planted within the right-of-way (not including the center median or opposite side of the street) and approved by the Building Inspector can be used to meet the street yard requirements.
3. Where overhead power lines encroach into the street yard, Class II shade trees can be planted (see Plant Installations Specifications Section: Class II Shade Trees).
4. Stormwater facilities may be located within the street yard subject to the following conditions:
 - (a) No riprap, crushed stone, concrete, or other impervious materials are exposed; and
 - (b) Trees and other living organic materials can be planted along the stormwater facility.

5. With the written approval of the right-of-way owner, portions of the public right-of-way may be used to meet the street yard requirements.
- F. No trees shall be located within the sight triangle as defined by the Zoning Ordinance.

306.07 Parking Lot Requirements:

A. Intent

The intent of this section is to break up the expanse of asphalt, to provide shade, and to reduce the glare from parked cars and loading docks.

B. Perimeter screening:

1. Any parking areas contained six (6) or more space shall meet the perimeter landscaping requirement.
2. A landscaped safety island not less than four (4) feet in width with shrubs and/or other landscape material such as berms, not exceed three (3) feet except at points of access shall be provided along street frontages or sidewalks. A durable bumper guard, approved by the Building Inspector, must be installed to prevent vehicles encroaching on the landscaped safety island.
3. Perimeter landscaping and buffer shall be provided in side and rear yards between residential and non-residential uses, and in side and rear yards between multi-family and single family uses. These perimeter landscape areas shall consist of earth mounds, decorative fences or masonry walls, vegetative screens or combinations of these sufficient to screen views of vehicular use areas.

C. Interior Landscape

1. Any parking areas with ten (10) or more parking spaces shall meet interior landscaping requirements.
 2. No parking space can be more than fifty (50) feet from a tree.
 3. A landscaped island or peninsula shall border ends of interior parking bays that contain a minimum of ten (10) contiguous parking spaces.
 4. A landscaped peninsula shall border ends of perimeter bays.
 5. Dimensions/Planting Criteria
 - (a) Landscaped islands and peninsulas used to meet the landscaping requirements shall have a minimum width of eight (8) feet and a minimum landscaped area of two hundred (200) square feet.
 - (b) Landscaped islands and peninsulas used to meet the landscaping requirements shall be planted with at least one (1) tree.
 - (c) The trees referred to in this section shall have a minimum expected maturity height of at least thirty-five (35) feet and a minimum expected canopy spread of twenty (20) feet (see Plant Installation Specifications Section: Class I Shade Trees). In the special situations specified below, smaller Class II Shade Trees may be substituted for Class I Shade Trees:
 - An overhead obstacle such as a canopy or power line limits the tree height; or
 - The tree is located within twenty (20) feet of a building.
- D. All landscaped islands and peninsulas shall be bordered by a curb or a wheel stop.

306.08 Screening Requirements

A. Intent

The intent of the screening requirements is to provide a year-round visual obstruction and to protect property values. The screening provides transition between the proposed use and the adjacent developments by requiring a landscaped yard of a minimum specified depth along all shared property lines planted to the specifications.

B. Screening Along Shared Property Line

Refer to the matrix below to determine any screening requirements for the proposed development. First, identify the type of zoning for the proposed development (along the left side of the matrix) and

each adjoining property (along the top of the matrix). Find where the zoning of the proposed development and each adjoining property intersect on the matrix. If a screen is required, a capital letter will indicate the type of screen to be applied. A description of each screen type is provided in this section.

Zoning Districts

Industrial	M-2
Commercial	C-1, MXU
Residential (High Density)	R-3 MD, R-3
Residential (Low Density)	R-1, R-2, R-5

		EXISTING			
		Industrial	Commercial	High Density Residential	Low Density Residential
PROPOSED	Industrial	X	C	A	A
	Commercial	C	X	A	A
	High Density Residential	A	A	X	C
	PRD	A	A	B	B

X = No screening or buffer required

Screening Type A: Provide a thirty (30) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

- Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows, spaced a maximum of seven (7) feet apart, of shrubs spaced a maximum of eight (8) feet on-center, and two (2) rows of shade trees spaced a maximum of thirty-five (35) feet on-center.
- All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

Screening Type B: Provide a twenty (20) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

- Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows, spaced a maximum of seven (7) feet apart, of shrubs spaced a maximum of eight (8) feet on-center, and one (1) row of shade trees spaced a maximum of thirty-five (35) feet on-center.
- All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

Screening Type C: Provide a ten (10) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

- Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows, spaced a maximum of seven (7) feet apart, of shrubs spaced a maximum of eight (8) feet on-center.
- All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

C. Screening of Dumpsters, Mechanical Equipment and Open Storage

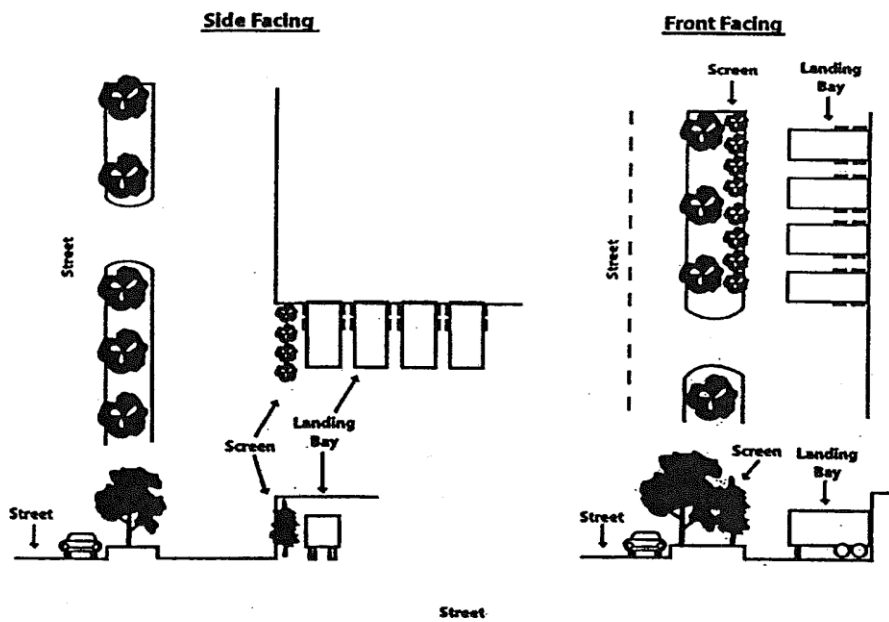
Screening must be provided in the manner described below:

- (a) Screening shall be a minimum height of eight (8) feet;
- (b) All four (4) sides shall be screened;
- (c) If access is needed, the screen should incorporate access by using a wood fence or other opaque device to serve as a gate;
- (d) Screening materials can be any combination of evergreen plantings, wood, or masonry material.

D. Loading Bay Screening

Side and front-facing truck delivery stalls and loading bays shall be screened from the public right-of-way as described in below:

1. One (1) row of evergreen shrubs spaced a maximum of five (5) feet on-center or a row of evergreen trees spaced a maximum of ten (10) feet on-center. (See Plant Installation Specifications Section for a list of recommended plantings);
2. Provide a landscaped yard with a minimum depth of eight (8) feet for the planted screen.



306.09 Utility Easement Policy

A. Intent

Any tree or shrub used to meet the requirements of this Article shall not be located within proposed or existing utility easements unless it meets one of the special exceptions as defined below.

B. Special Exceptions

- (a) Written permission has been obtained from the holder of the utility easement.
- (b) Where overhead power lines cross an area required by the ordinance to be planted with shade trees, smaller shade trees (listed in the Plant Installation Specifications section as Class II Shade Trees) may be substituted.

C. If none of the special exceptions apply, the following options shall be considered in order of priority:

1. Priority #1: Plant the tree as close to the easement as possible.
2. Priority #2: For highly visible areas (street yards, parking lots in front) plant the tree in the same general area where it can be seen from the street or parking lot.

D. Utility easements can be used to meet the landscape yard requirements. The applicant is responsible for identifying existing and proposed utility easements within the property on the landscape site plan.

306.10 Plant Installation Specifications

A. Intent

All landscaping material shall be installed in a professional manner, and according to accepted planting procedures of the landscape industry. Planting methods and the season of planting will optimize chances for long-term plan survival and continued vigor.

B. Class I Shade Trees:

These trees are used to meet the tree planting requirements specified in the Street Yard and Parking Lot sections. All Class I shade trees shall be installed at a minimum caliper of 2 inches as measured from 2-1/2 feet above grade level. Class I shade trees shall also have a minimum expected maturity height of at least 35 feet and a minimum canopy spread of 20 feet. Evergreen trees can be treated as Class I shade trees provided they meet the minimum maturity height and canopy spread criteria.

Recommended Species

<u>Common Name</u>	<u>Scientific Name</u>
River Birch	Betula nigra
Princeton American Elm	Umlauts americana
Allee Elm	Ulmus parvifolia
Athena Elm	Ulmus parvifolia
Drake Elm	Ulmus parvifolia
Ginkgo	Ginkgo biloba (male)
Golden Raintree	Koelreuteria paniculata
Black Gum	Nyssa sylvatica
Sweetgum	Liquidambar styraciflua
Seedless Honey Locust	Gleditsia triacanthos cultivars
American Hophornbeam	Ostrya virginiana
American Hornbeam	Caprinus caroliniana
European Hornbeam	Carpinus betulus and cultivars
Katsura Tree	Cercidophyllum japonicam
Littleleaf Linden	Tilia cordata
Silver Linden	Tilia tomentosa
Red Maple	Acer rubrum and cultivars
Southern Sugar Maple	Acer barbatum
Sugar Maple	Acer saccharum and cultivars
English Oak	Quercus robur
Northern Red Oak	Quercus borealis
Overcup Oak	Quercus lyrata
Pin Oak	Quercus palustris
Red Oak	Quercus rubra
Sawtooth Oak	Quercus acutissima
Scarlet Oak	Quercus coccinea
Shumard Oak	Quercus shumardii
Swamp White Oak	Quercus bicolor
Water Oak	Quercus nigra
White Oak	Quercus alba
Willow Oak	Quercus phellos
Aristocrat Pear	Pyrus calleryana 'Aristocrat'
Cleveland Select Pear	Pyrus calleryana 'Cleveland Select'
Chinese Pistache	Pistacia chinensis

Japanese Pogodtree
Dawn Redwood
Japanese Zelkova
Yellowwood

Sophora japonica
Metasequoia glyptostroboides
Zelkova serrata
Cladrastis kentukea

C. Class II Shade Trees:

These trees are intended to be used for planting under overhead power lines only where they encroach into the property. All Class II shade trees shall be installed at a minimum caliper of one and one-half (1-1/2) inches as measured at two and one-half (2-1/2) feet above grade level from the base of the tree. Class II trees shall have a maximum expected maturity height of twenty (20) feet and a minimum canopy spread of ten (10) feet.

Recommended Species:

<u>Common Name</u>	<u>Scientific Name</u>
Autumn Flowering Cherry	Prunus subhirtella var. autumnalis
Okame Cherry	Prunus campanulata
Yoshino Cherry	Prunus yedoensis
Crapemyrtle	Lagerstroemia indica cultivars
Flowering Dogwood	Cornus florida and cultivars
Kousa Dogwood	Cornus kousa and cultivars
Thornless Cockspur	Crataegus crusgalli var. Hawthorne inermis
Winter King Hawthorne	Crataegus viridis 'Winter King'
Sweetbay Magnolia	Magnolia virginiana
Amur Maple	Acer ginnala
Hedge Maple	Acer campestre
Trident Maple	Acer buergeranum
Golden Raintree	Koelreuteria paniculata
Redbud	Cercis canadensis
Serviceberry	Amelanchier species

D. Screening Trees:

Screening trees are used to meet the tree planting requirements of the Screening Section. All screening trees shall be installed at a minimum height of five (5) to (6) six feet and have a minimum expected mature spread of eight (8) feet.

Recommended Species:

<u>Common Name</u>	<u>Scientific Name</u>
Atlas Cedar	Cedrus atlantica
Deodar Cedar	Cedrus deodara
Eastern Red	Cedar Juniperus virginiana
Leyland Cypress	Cupressocyparis leylandii
Carolina Hemlock	Tsuga caroliniana
Canadian Hemlock	Tsuga canadensis
American Holly	Ilex opaca
Foster Holly	Ilex attenuata 'Fosteri'
Southern Magnolia	Magnolia grandiflora
Loblolly Pine	Pinus taeda
Virginia Pine	Pinus virginiana
White Pine	Pinus strobus

E. Screening Shrubs:

All screening shrubs shall be installed at a minimum size of three (3) gallons and have an expected maturity height of at least eight (8) feet and a mature spread of at least five (5) feet.

Recommended Species

<u>Common Name</u>	<u>Scientific Name</u>
Burford Holly	Ilex cornuta 'Burfordii'
English Holly	Ilex aquifolium
Nellie R. Stevens Holly I	Ilex cornuta 'Nellie Stevens'
Cherrylaurel	Prunus caroliniana
English Laurel	Prunus laurocerasus
Fragrant Olive	Eleagnus pungens
Leatherleaf Viburnum	Viburnum rhytidophyllum
Wax Myrtle	Myrica cerifera

G. Prohibited Plants:

The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, and nuisance:

Kudzu Vine	Garlic Mustard
Purple Loosestrife	Paulownia
Japanese Honeysuckle	Multiflora Rose
Shrub Honeysuckle	Siberian Elm
Autumn Olive	Silver Poplar
Common Privet	Mimosa
Tree of Heaven	Mulberry
Lespedeza	Silver Maple

306.11 Maintenance:

Generally, the property owner, unless specified differently in the zone requirement, shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the owner with new plantings that meet the requirements of these regulations.

306.12. Certificate of Occupancy/Bonding

- A. If the landscaping has not been installed and inspected for proper installation prior to receiving a Certificate of Occupancy, a Certificate of Occupancy may be granted provided the following conditions are met:
 1. Property owner posts a performance bond or irrevocable letter of credit with the City Manager;
 2. The amount of the bond or letter of credit shall be based on material and installation costs of the uninstalled landscape material, including a ten percent (10%) contingency cost, as shown on the submitted landscape plan;
 3. The costs of the landscaping shall be certified by a licensed contractor or determined using a general formula established by the landscape site reviewer (option of applicant).
- B. After receiving the Certificate of Occupancy, the remaining landscape material shall be installed within six (6) months. The bond or letter of credit shall be called if the required landscaping has not been installed by the end of the six (6) month period and the funds applied to complete the landscaping work.

306.13 Definitions

Caliper: a measurement of the tree trunk diameter measured six (6) inches above grade level.

Class I Shade Trees: any plant having a central trunk, an expected maturity height of at least thirty-five (35) feet, and an expected minimum mature canopy spread of at least fifteen (15) feet.

Class II Shade Trees - any plant having a central trunk and a maximum expected maturity height of twenty-five (25) feet.

Gross Floor Area (GFA): total interior space as defined by the International Code Council (ICC).

Impervious Surfaces - includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground.

Interior Bay: all parking bays that do not qualify as a perimeter bay.

Landscape Area/Landscaped Yard: an area to be planted with trees, grass, shrubs, or other natural living ground cover material. No impervious surfaces are permitted in these areas.

Landscaped Island - a landscaped area defined by a curb and surrounded by paving on all sides.

Landscaped Peninsula: a landscaped area defined by a curb and surrounded by paving on three sides.

Landscaped Median: a landscaped area bordering two (2) adjoining parking bays.

Natural Buffer: an area of land set aside for preservation in its natural vegetative state.

No removal of plants is permitted with the exception of poisonous or non-native plant species. In addition, no fill/cutting activities or storage of materials is permitted in these areas. No impervious surfaces are permitted.

New Development: construction of a new building or structure on its own lot is considered as new development. New buildings or structures constructed on a lot which already contains existing buildings is considered as an expansion.

Parking Space/Parking Bay: includes spaces and areas for all vehicles except tractor trailers.

Perimeter Bay: all parking bays that are adjacent to the perimeter of a development.

Screening Shrubs: evergreen shrubs that maintain their foliage year-round.

Screening Trees: evergreen trees that maintain their foliage year-round.

Street Yard: a designated landscaped area where private property abuts the public street right-of-way for the planting of grass, trees, and shrubs.

SECTION 307 PARKING AND LOADING REQUIREMENTS (Ord. #205, 9/20/11)

307 Parking and Loading Requirements

307.1 Intent

The following standards are designed to meet the minimal, necessary off-street parking requirements for residential, institutional, office, commercial and industrial land uses within all zoning districts.

307.2 General Regulations

- (1) No building or other structure shall hereafter be erected or altered to provide less off-street parking and loading space as required herein or permitted, or in any manner contrary to the provisions of the Ordinance except as approved utilizing a Shared Parking Plan or with a parking variance from the Lakesite City Commission for Variances and Special Permits.
- (2) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purposes of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as provided through an approved Shared Parking Plan.
- (3) All parking and loading spaces shall be subject to review, approval and enforcement by the City Engineer.

Table 307**Residential**

See Section 307.3, District Regulations, for specific zone parking requirements.

Single-family dwellings- 2 spaces for every dwelling unit. 3 spaces for units with four or more bedrooms.
Townhouses- 1 space for 1 bedroom dwelling units. 2 spaces for 2 or 3 bedroom dwelling units. 3 spaces for units with four or more bedrooms.
Duplexes- 1.5 spaces per dwelling unit. Units with two or more bedrooms shall have 2 spaces per dwelling unit.
Multi-family units- 1.25 spaces per dwelling unit. Units with two or more bedrooms shall have 1.75 spaces per dwelling unit.

Institutional

Public buildings (including churches):	1 space per four seats in the main auditorium
Dormitories:	1 space per four beds
Hospitals and nursing homes:	1 space per three beds
Fraternity and Sorority Houses:	1 space per two lodgers
Day Care homes and centers:	
45 children and fewer	1 space per five students plus employee parking
Greater than 45 children	8 spaces plus one space for every 40 students plus employee parking
Stadiums and Sports Arenas:	1 space per eight seats or twelve feet of benches. For swimming pools, 1 space per 30 sq. ft. of water surface area.
Golf Course:	Per approval of City Traffic Engineer
All other uses:	5 spaces per 1,000 sq. ft. GLA

Commercial

Restaurants:	1 space per 75 sq. ft. GLA
Retail uses:	
Under 25,000 sq. ft.	4 spaces per 1,000 sq. ft. GLA
Over 25,000 sq. ft.	5 spaces per 1,000 sq. ft. GLA
Furniture and Appliance Sales:	2.5 spaces per 1,000 sq. ft. GLA
Funeral Homes, Theaters:	1 space per four seats in the main chapel or auditorium
Hotels and Motels:	1 space per unit or guest room plus 1 space for every innkeeper's dwelling
Boarding/Lodging Houses, Assisted Living, and Bed and Breakfasts:	1 space per two units plus employee/visitor parking
Automobile Repair Shops:	2 spaces per bay plus employee parking
All other uses:	5 spaces per 1,000 sq. ft. GLA

Office

General office uses:	4 spaces/1,000 sq. ft. GLA
Medical offices:	5 spaces/1,000 sq. ft. GLA
Mixed office space:	Apportioned based on the percentage mix of office uses

Industrial

1 auto parking space for every two workers on the combined two largest successive shifts
1 off-street loading space per 10,000 sq. ft. of floor space or fraction thereof used for industrial or commercial uses upon approval

Commercial, Office and Manufacturing Requirements:

The number of spaces provided shall not exceed the required number of spaces by more than 50 percent.

Handicapped parking shall meet the current ADA standard.

Note: GLA= Gross Leasable Area: The total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use. GLA does not include public or common areas, such as utility rooms, stairwells, mall and so on.

307.3 District Regulations

- (1) R-1 Residential Zone
For parking requirements refer to Table 307
- (2) R-2 Residential Zone
For parking requirements refer to Table 307
- (3) R-3 Residential Zone
For parking requirements refer to Table 307
- (4) R-3 MD Moderate Density Zone
For parking requirements refer to Table 307
- (5) Planned Residential Development (PRD) Zone
 - (a) For parking requirements refer to Table 307
 - (b) Parking spaces for parks, playgrounds, and community buildings in the development may be required according to the design of the Planned Residential Development.
- (6) Mixed Use Zone (MXU)
For parking requirements refer to Table 307
- (7) C-1 Commercial Zone
 - (a) Off-street parking and loading shall be provided on the same lot as or a lot adjacent to the building in accordance with the requirement in Table 307.
 - (b) Additional requirements:
 - (1) Parking spaces are not required for detached warehouse facilities which are attendant to the principal commercial use.
 - (2) There shall be one (1) loading space for every ten thousand (10,000) square feet of floor area used for commercial purposes. Such loading space shall be in accordance with the standards of and approved by the City Engineer. Off-street loading facilities shall be provided which do not require the use of required off-street parking space during hours when establishments in the zone are open for business.
 - (3) All off-street parking and loading space shall be subject to review and approval by the City Engineer prior to issuance of building permits and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises from adjacent streets, and to minimize potential frictions with adjoining residential property.
 - (4) For business operations which involve a combination of uses such as warehousing and wholesaling along with retailing or other permitted uses, total required parking may be determined by measuring the amount of floor space within the business structure that is devoted to each separate use and calculating the need based upon the specific parking requirements as set forth for the various uses in this section and elsewhere in this ordinance. Parking requirements calculated in this manner shall be subject to review and approval by the City Engineer prior to issuance of any building or occupancy permit.
- (8) M-2 Light Industrial Zone
 - (a) Off-street parking and loading shall be provided on the same lot as or a lot adjacent to the building in accordance with the requirement in Table 307.
 - (b) Additional requirements:
 - (1) No parking or drives shall be permitted in required side yards joining a residential zone.
 - (2) Truck doors or loading docks fronting on a street shall be not less than 75 feet from said street.

307.4 Shared parking:

- (1) Intent: The intent of this ordinance is to provide a method for providing shared parking facilities among diverse uses in order to reduce the amount of land dedicated to surface parking. The goal is promote efficiency in land usage and complementary forms of development.
- (2) Definition: Shared Parking: Joint use of a parking area for more than one use and including valet and remote parking arrangements.
- (3) Application: Shared parking may be applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day. Shared parking is most effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/season of the year. Shared parking is inherent in mixed-use developments that include one or more businesses that are complementary, ancillary, or support other activities such as church and retail shared parking. General off-site parking lots and valet parking are available for patrons of nearby land uses can also constitute shared parking. The standards in this ordinance provide an opportunity for shared parking; however, parking requirements are very often unique to an individual land use and as a result, each site's proposed parking plan must be approved in advance by the City Engineer.
 - (a) In conjunction with the City Engineer, the applicant for shared parking will conduct a pre-survey meeting designed to review with the traffic engineer the shared parking standards and the applicant's proposed shared parking arrangement.
 - (b) No formal parking study shall be required for proposed developments under 3,000 sq. feet gross leasable area (GLA).
 - (c) For proposed developments over 3,000 sq. feet gross leasable area (GLA), the pre-survey meeting will help to determine the scope, method and engineering standards to be met in the parking study. In some specific cases, and with agreement of the City Traffic Engineer, a formal parking study maybe waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal.
 - (d) Applicants for a shared parking arrangement shall examine the feasibility of using shared parking arrangements by conducting a parking demand survey. Factors in this study include but are not limited to: operating hours, seasonal/daily peaks in parking demand, the site's size and orientation, location of access drives, accessibility to other nearby parking areas, pedestrian connections, availability of parking spaces, and duration of proposed agreements to share parking. A registered engineer must prepare this study.
 - (e) For all developments, up to 25% of the required parking spaces for a specific development may be incorporated into a shared parking plan.
 - (f) In no case shall the distance between the principal use and the property to be used as a shared parking site be greater than 1000 linear feet except that in the situation where valet parking is provided, the distance may be greater.
 - (g) Based on the results of the shared parking study if required and upon approval by the City Engineer, the applicant shall furnish to the City Engineer a shared parking agreement stipulating the conditions as approved by the City Engineer. The original of this document is to be kept on file in the City of Lakesite Office
 - (h) All the properties utilized as shared or valet parking including the donor and donee property shall be properly posted and identified as shared/valet parking.
 - (i) The appurtenant easement created by this agreement, must be recorded in the Register's Office of Hamilton County Tennessee and a copy of this document furnished to the Traffic Engineer's office for its records.
- (4) Calculation of Parking Spaces Required with Shared Parking: The parking spaces required shall be based on the standards of the zoning ordinance for individual uses and the shared parking rates adjusted from the base-parking requirement. For those developments requiring a parking study, the minimum number of parking spaces for a specific use or mixed-use development as

proposed shall be determined by the parking study furnished by the applicant following approved transportation engineering procedures and practices. Handicapped parking shall meet the current ADA standards.

- (5) Shared Parking Plan: Based on calculations resulting from the parking study or determined in conjunction with the City Engineer, a shared parking plan shall be submitted to the City Engineer. This plan will portray the parking pattern and number of spaces, detail the access points and provide distance information to the land uses they will serve. For valet parking, this will include the operating plan for the land uses being served, required employee parking and the area that is required for queuing vehicles being dropped off or picked up.
- (6) Operating Plan and Agreement: Among Sharing Property Owners: If a privately owned parking facility is to serve two or more separate properties either as shared or valet parking, a written agreement between property owners guaranteeing access to, use of, available time of use and management of designated spaces is required. The agreement will be reviewed and approved by the City Engineer and the City Attorney. A copy will be retained in the City of Lakesite Office and a copy recorded in the Hamilton County Registers Office as an appurtenant easement.
- (7) Change of Land Use That Modifies The Parking Plan: In the event one or both land use types change and the parking characteristics of the site no longer are in conformance with the approved parking plan, a new parking plan must be developed in accordance with this ordinance.
- (8) On-Street Parking: Public parking spaces along public rights-of-ways may prove to be beneficial to a specific user but by its very nature it cannot be reserved for private use by a specific business. For purposes of meeting the on-site parking requirement, on-street parking is not counted toward the parking standard. The use of on-street parking may alleviate requirements for required parking for truck loading or passenger loading but will not be counted towards the overall parking space requirement for shared parking.

307.5 Off – street parking on lots in residential zones

Special permit may be obtained by filing an application with a parking plan and drawing to the City Engineer and approved by the Lakesite City Commission for off-street parking on lots in the R-1, R-2, R-3MD, R-3 and R-5 Residential Zones when such lots are adjacent to the C-1, or M-2 Zones. Such plans shall also provide for the paving of all driveways and parking areas and adequate drainage of the lots.

CHAPTER IV ZONES

SECTION 401 R-1 RESIDENTIAL ZONE

401.00 Principal Uses Permitted:

- (a) Single family dwelling
- (b) Schools
- (c) Parks, playgrounds and community buildings
- (d) Golf courses, except driving ranges, miniature courses and Par 3 golf courses
- (e) Fire stations and other public buildings
- (f) Kindergartens operated by governmental units or religious organizations
- (g) Accessory uses and buildings customarily incident and subordinate to the above
- (h) Home occupations

401.01 Uses Permitted as Special Exceptions by the Commission,:

- (a) DELETED (Ord. #201, 5/17/11)
- (b) Day care homes

401.02 Height and Area Regulations:

- (a) No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except that a building may exceed these height regulations provided that for every one foot of additional height over thirty-five (35) feet the building shall be set back one additional foot from all property lines.
- (b) The minimum building site shall be 15,000 square feet, and the minimum frontage of seventy five (75) feet.
- (c) There shall be a front yard of not less than twenty five (25) feet.
- (d) There shall be a side yard on each side of the building of not less than ten (10) feet; twenty-five (25) feet if at an intersection.
- (e) There shall be a rear yard of not less than twenty-five (25) feet.
- (f) The minimum lot depth shall be one hundred (100) feet.

401.03 Floor Area Regulations:

- (a) If a house is one story, the dwelling unit must have at least 1,600 square feet.
- (b) If a house is more than one story, the dwelling unit must have at least 1,050 square feet on the first floor and a total of at least 1,750 square feet.

401.04 Off-Street Parking Regulations:

- Parking Requirement: reference to CHAPTER III GENERAL REGULATIONS Section 307 Parking and Loading Requirements (Ord. #205, 9/20/11)
- (c) Parking space for all other uses shall be in an amount satisfactory to the Building Official.

401.05 Landscape Requirements:

Refer to Chapter III, Section 306.

CHAPTER IV ZONES

SECTION 402 R-2 RESIDENTIAL ZONE

402.00 Principal Uses Permitted:

- (a) Single family dwellings.
- (b) Two family dwellings
- (c) Schools
- (d) Parks, playgrounds, and community buildings.
- (e) Golf courses, except driving ranges, miniature courses and other similar commercial operations.
- (f) Fire stations and other public buildings.
- (g) Churches.
- (h) Accessory uses and buildings.
- (i) Kindergartens operated by governmental units or by religious organizations.
- (j) Home occupations

402.01 Uses Permitted as Special Exceptions by the Commission:

- (a) Day care homes
- (b) Deleted (Ord. #201, 5/17/11)

402.02 Height and Area Regulations:

- (a) No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.
- (b) The minimum building site area shall be 15,000 square feet for a single family dwelling unit and 18,000 square feet for a two-family dwelling unit. The minimum frontage shall be seventy five (75) feet.
- (c) There shall be a front yard of not less than - twenty five (25) feet.
- (d) There shall be a side yard on each side of the building of not less than ten (10) feet; twenty-five (25) feet at an intersection.
- (e) There shall be a rear yard of not less than twenty-five (25) feet.
- (f) The minimum lot depth shall be one hundred (100) feet.

402.03 Floor Area Regulations:

- (a) For a single-family structure, at least 1600 square feet of floor area.
- (b) For a single-family structure with more than one story, the dwelling unit must have at least 1,050 square feet on the first floor and a total of at least 1,750 square feet.
- (c) For a duplex, at least 2,400 square feet of floor area per structure.

402.04 Off-Street Parking Regulations:

Parking requirement: reference to CHAPTER III GENERAL REGULATIONS Section 307
Parking and Loading Requirements (Ord. #205, 9/20/11)

402.05 Landscape Requirements:

Refer to Chapter III, Section 306.

CHAPTER IV ZONES

SECTION 403, R-3MD MODERATE DENSITY APARTMENT TOWNHOUSE ZONE

403.01 Intent

It is the intent of the R-3MD MODERATE DENSITY APARTMENT-TOWNHOUSE ZONE to provide areas for development of residential units to include triplex and quadplex residential structures.

403.02 Principal Uses Permitted

- (a) Two, three, and four family dwellings, but not including mobile homes on individual lots.
- (b) Public parks not commercially operated.
- (c) Churches, schools, museums, libraries, art galleries and other cultural institutions, including convents, orphan asylums, or private or public penal, correctional or welfare institutions.
- (d) Kindergartens operated by governmental agencies and religious organizations.
- (e) Fire stations and other public buildings.
- (f) Home occupations.
- (g) Accessory uses and buildings.

403.03 Uses Permitted as Special Exceptions by the Commission.:

- (a) Storage garage.
- (b) Public utility buildings and structures.
- (c) Substations, water towers, booster pumping stations and telephone exchanges.
- (d) Day care homes.
- (e) DELETED (Ord. # 201, 5/17/11)
- (f) Boarding House

403.04 Height and Area Regulations

- (a) Each dwelling unit of a two, three, or four family structure shall be a minimum of 1,200 square feet.
- (b) Except as provided in special exception permits, no building shall exceed thirty-five (35) feet in height.
- (c) Minimum Lot Area. Depth. and Frontage

	Public Water Supply & Sanitary <u>Sewers</u>	Public Water Supply & Septic <u>Tanks</u>	Individual Wells & <u>Septic Tanks</u>
Two-Family Dwellings	12,000 sq. ft	18,000 sq. ft	28,000 sq. ft
Three-Family Dwellings	14,000 sq. ft	25,000 sq. ft	31,000 sq. ft
Four-Family Dwellings	16,000 sq. ft	30,000 sq. ft	34,000 sq. ft

The HEALTH DEPARTMENT may limit the number of units on any given lot due to soil conditions, topography, drainage, presence of swimming pool, etc.

In addition to the minimum lot area, lots used for residential purposes shall have a minimum depth of one hundred (100) feet and a minimum frontage of seventy five (75) feet.

(d) Percentage of Lot Occupancy

No dwelling shall occupy more than thirty-five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.

(e) Front Yard

There shall be on each lot a front yard of a minimum depth of twenty five (25) feet.

(f) Side Yard

There shall be on each lot a side yard of a minimum depth of ten (10) feet.

(g) Rear Yard

There shall be a rear yard of a minimum depth of twenty-five (25) feet.

(h) Off-Street Parking Regulations: Off-street parking shall be provided on the same lot as or a lot adjacent to the building accordance with the following requirements:

Parking Requirement: reference to CHAPTER III GENERAL REGULATIONS Section 307

Parking and Loading Requirements. (Ord. #205, 9/20/11)

403.05 Landscape Requirements:

Refer to Chapter III, Section 306.

CHAPTER IV ZONES

SECTION 404 R-3 RESIDENTIAL ZONE

404.01 Principal Uses Permitted:

- (a) Single-family dwellings
- (b) Two-family dwellings
- (c) Apartments
- (d) Schools
- (e) Parks, playgrounds and community buildings
- (f) Fire stations and other public buildings
- (g) Churches
- (h) Home occupations
- (i) Boarding and lodging houses
- (j) Accessory uses and buildings

404.02 Uses Permitted as Special Exceptions by the Commission.:

- (a) Day care homes
- (b) Kindergartens operated by governmental units or by religious organizations
- (c) DELETED (Ord. #201, 5/17/11)

404.03 Height and Area Regulations:

- (a) No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except that a building may exceed these height requirements provided that for every one (1) foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.
- (b) The minimum building site area for dwellings shall be one lot or parcel of 15,000 square feet plus 2,000 square feet of lot area for each additional unit.
- (c) The minimum site area for lodging or rooming houses shall be 18,000 square feet plus 500 square feet for each lodger in excess of two.
- (d) The minimum site area for all other permitted uses shall be 15,000 square feet.
- (e) The minimum lot frontage shall be seventy five (75) feet.
- (f) There shall be a front yard of not less than twenty five (25) feet.
- (g) There shall be a side yard on each side of the building of not less than ten (10) feet, twenty-five (25) feet if at an intersection.
- (h) There shall be a rear yard of not less than twenty-five (25) feet.
- (i) The minimum lot depth shall be one hundred (100) feet.

404.04 Floor Area Regulations:

- (a) For a single-family dwelling, each dwelling unit must have at least 1,600 square feet.
- (b) For a single-family structure with more than one story, the dwelling unit must have at least 1050 square feet on the first floor and a total of at least 1,750 square feet.
- (c) For a duplex, at least 2400 square feet of floor area per structure.
- (d) For a multi-family dwelling, at least 1,200 square feet for each dwelling unit.

404.05 Off-Street Parking Regulations:

Parking Requirement: reference to CHAPTER III GENERAL REGULATIONS Section 307
Parking and Loading Requirements. (Ord #205, 9/20/11)

404.06 Landscape Requirements:

Refer to Chapter III, Section 306.

CHAPTER IV ZONES

SECTION 405 R-5 RESIDENTIAL ZONE

405.01 Principal Uses Permitted

- (a) Mobile homes (manufactured homes) shall be required to be placed on a permanent foundation and meet the requirements specified in the definition section of this ordinance.
- (b) Single-family dwellings, including single wide mobile homes, double wide mobile homes, or modular units.
- (c) Two-family dwellings.
- (d) Schools.
- (e) Parks, playgrounds, and community buildings.
- (f) Fire stations and other public buildings.
- (g) Churches.
- (h) Home occupation.
- (i) Accessory uses and buildings.

405.01 Uses Permitted as Special Exceptions by the Commission.:

- (a) Day care homes
- (b) Kindergartens operated by governmental units or by religious organizations
- (c) DELETED (Ord. #201, 5/17/11)

405.02 Height and Area Regulations

- (a) No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.
- (b) The minimum building site area shall be 15,000 square feet for a single dwelling and 18,000 square feet for a duplex. The minimum frontage shall be seventy five (75) feet.
- (c) There shall be a front yard of not less than twenty five (25) feet.
- (d) There shall be a side yard on each side of the building of not less than 10 feet, twenty-five (25) feet if at an intersection.
- (e) There shall be a rear yard of not less than twenty-five (25) feet.
- (f) The minimum lot depth shall be one hundred (100) feet.

405.03 Off-Street Parking Regulations:

Parking Requirement: reference to CHAPTER III GENERAL REGULATIONS Section 307 Parking and Loading Requirements. (Ord. #205, 9/20/11)

405.04 General Provisions:

All mobile homes shall be tied down in a manner meeting safety and performance requirements of any governmental regulations covering tie-down and anchoring devices, as specified by the Building Official.

All accessory buildings to the principal building (whether attached or detached) shall be subject to the same permit procedures and other regulations pertaining to dwelling units.

No application for the R-5 Zone shall be accepted for an area greater than the minimum lot area requirement for the proposed number of mobile homes.

405.05 Landscape Requirements:

Refer to Chapter III, Section 306.

CHAPTER IV ZONES

SECTION 406 PLANNED RESIDENTIAL DEVELOPMENT (PRD) ZONE

406.01 Purpose

The purpose of the Planned Residential Development, sometimes hereinafter referred to as PRD, is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Residential Development is intended to be used to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulations, and the general well-being of the inhabitants.

406.02 Permitted Uses in PRD:

- (a) Detached single family units, except that mobile homes are not allowed.
- (b) Townhouses, no more than 4 units attached together.
- (c) Schools.
- (d) Parks, playgrounds, and community buildings.
- (e) Golf courses, except driving ranges, miniature courses, "Par 3" courses, and other similar operations.
- (f) Accessory uses and buildings customarily incident and subordinate to the above.

406.03 Height and Area Regulations:

- (a) No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.
- (b) The minimum development site for PRD shall be at least ten (10) acres.
- (c) Average Lot Size. In order to increase project design flexibility and as long as the overall density requirements of the PRD are met, no average lot size or minimum lot size per dwelling unit is established, but may be required as a condition of approval.
- (d) All buildings shall follow the Lakesite Building Code.

406.04 Off-Street Parking Regulations:

Parking Requirement: reference to CHAPTER III GENERAL REGULATIONS Section 307 Parking and Loading Requirements. (Ord. #205, 9/20/11)

406.05 General Provisions:

A PRD will be shown on the zoning map when the Final PRD Plan has been approved by the City Commission.

406.06 Development Standards and Site Improvements

- (a) All dedicated public streets shall be constructed in accordance with the Lakesite Roadway Regulations on rights-of-way having a minimum width of 50 feet.
- (b) All private streets are allowed by special exception permits issued by the City Commission only. Private streets must be constructed in accordance with the Lakesite Roadway Regulations and with a minimum width of 50 feet.
- (c) There shall be constructed concrete sidewalks, or an equivalent paved internal pedestrian circulation system. The minimum width of such sidewalks shall be four (4) feet. Sidewalks or other internal paved areas shall be located within a public right-of-way.
- (d) Storm drainage structures shall be constructed in accordance with plans and specifications

- approved by the Building Official.
- (e) The development shall be tied into an existing public sewer.
 - (f) The development shall meet Hamilton County's Multi-jurisdictional Stormwater Program water quality requirements.

406.07 Computation of Density:

The maximum number of dwelling units in a PRD shall be computed by multiplying the gross acreage of usable land to be developed by 4.5. No more than 50% of the units should be attached units. For purposes of this section, usable land is defined as land that excludes the following:

- ☐ Easements
 - ☐ Sinkholes
 - ☐ Floodway
 - ☐ Retention ponds
 - ☐ Wetlands, bogs, marshes and land within a forty (40) foot wetland buffer area.
 - ☐ Water bodies
 - ☐ Slope:
 - ◆ 50% of land with slope 15% - 19.9%,
 - ◆ 80% of land with 20% - 29.9%,
 - ◆ 100% of land with slope 30% or greater.
 - ☐ Other environmentally sensitive areas as deemed appropriate by the Building Official.
- The above regulation defines the maximum density of the development. However, the City Commission might require a lower density as a condition of approval under the following situations:
- (a) The proposed density will adversely affect the adjacent property;
 - (b) The proposed density is not compatible with the surrounding developments;
 - (c) The plan is not consistent with the intent and purpose of the regulations.

406.08 Open Space Requirements:

A minimum 15% on-site open space is required which is calculated on the gross acreage of usable land. Such area shall be set aside permanently for open space or recreation purposes only. It shall be permanently protected from future development via a deed restriction or easements. It is intended to serve the residents of the PRD and should therefore be easily accessible to them. This space shall be maintained in common ownership, established in the appropriate legal manner.

Said open space shall be maintained in one of the following methods:

- (a) by the developer or management authority of the PRD.
- (b) by a Home Owner's Association established by deed restrictions.

No open area may be delineated or accepted as common open space under the provisions of this section unless it meets the following standards:

- (a) Common open space must be usable for recreational purposes and must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the planned residential development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
- (b) Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized therefore, and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space. Parking lots shall not be considered open space.
- (c) The development phasing sequence of the proposal development must coordinate the improvement of the common open space; the construction of the buildings, structures and

improvements in the common open space; and the construction of public improvements and the construction of residential dwellings, but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.

- (d) No common open space of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the Lakesite Commission has determined that the character and quality of the tract to be conveyed makes it suitable for the purpose for which it is intended. The Lakesite Commission may give consideration to the size and character of the dwellings to be constructed within the planned residential development, the topography and existing trees, the ground cover, and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.

406.09 Landscape requirements:

Refer to Chapter III, Section 306

406.10 Staging

Staging of development may be permitted subject to the approval of the entire development with all phases included.

406.11 Process

A. Pre-application Conference

Prior to filing an application for approval of a PRD, the applicant shall confer with the planning staff, the Stormwater staff, and the city staff concerning policy and procedure relative to the application. The purpose of the pre-application conferences is to discuss the overall concept of the proposal early and informally, before the applicant has made substantial financial commitments. Major problems may be identified and solved before formal application. Community goals, plans and regulations that might affect the proposal can also be identified and discussed. The applicant is encouraged to have a sketch plan for the pre-application conference. This is an opportunity for the Planning Staff, Stormwater staff and City Staff to provide informed feedback on the project.

A community or neighborhood public meeting organized by the applicant for the purpose of informing residents and property owners near the project site about the proposed development is encouraged.

B. Preliminary Planned Residential Development Plan

The developer shall submit a Preliminary Planned Residential Development Plan with the rezoning request application to the Chattanooga-Hamilton County Regional Planning Commission for its review and recommendation to the Lakesite City Commission. The Preliminary PRD Plan shall be drawn at a minimum scale of one inch equals one hundred feet (1" = 100'), and shall include:

- (a) Date, graphic scale, north arrow, name of the proposed development;
- (b) Full name and mailing address with zip codes and telephone number of the owner as well as the person or firm preparing the preliminary plan;
- (c) The location, size, accessibility, and existing zoning of the proposed site;
- (d) The boundary line of the proposed development drawn to scale and showing all bearings and distances, including existing road curve functions and dimensional data.
- (e) Parcel number, including map sheet number and group identifier, for all parcels which are included in the proposed development. This is commonly referred to as the "Tax Map Number";

- (f) The surrounding type of development, land use and zoning;
- (g) The type of development proposed, the density of the proposed development, and the location of all structures, parking areas, and open space;
- (h) Plan for streets, thoroughfares, public utilities, school, and other public or community uses;
- (i) Natural contours at two foot intervals or less (sea level elevations only) include any unique topography such as wetland, sinkholes and water bodies. The preliminary plan designer shall field check for accuracy of the contour lines if he/she has obtained the information from sources other than his / her own.
- (j) Contour line or limit of 100-year flood and/or Floodway Zone (Valley Zone), if applicable.
- (k) Drainage information:
 - 1. Show the size, location, outline and direction of water flow at all high and low points of all existing and proposed drainage easements in and adjacent to the subdivision. Show the number of acres drained into the high point of the drainage easement.
 - 2. Show size, location, number of acres drained, and direction of water flow in tiles (pipes) in and adjacent to the subdivision. (See Lakesite Subdivision Regulations Section 307.4.1 for determination of pipe size.)
 - 3. Show location and label any other proposed drainage improvements such as catch basins, headwalls, rock and mortar or concrete drainage ditches, etc.
 - 4. Show the location and label any proposed off-site drainage improvements which are made necessary by the construction of the proposed subdivision.
- (l) Streets information:
 - 1. The location, widths, and names of all existing, proposed, or recorded streets, public right-of-way, or access easements, etc., intersecting or paralleling the development, on or adjacent to the development
 - 2. Proposed street names shall not duplicate or closely approximate, phonetically or in spelling, the name of any other street in Hamilton County. The change of a street name prefix (East, North) or suffix (Road, Lane, Circle) shall not be construed as a different street name.
 - 3. The station numbers for all proposed streets. Station numbers shall begin at a known existing and reproducible street centerline.
 - 4. Split Road Cross Sections -- A typical cross section of all split roads in the subdivision shall be shown on the preliminary plat, if applicable.
- (m) Utilities
 - 1. For all existing and proposed water lines, show size, location of lines, and outline and size of easements (if applicable) in and adjacent to the development.
 - 2. Show location of existing wells, springs, or other natural sources of water supply within the development and within two hundred (200) feet of the boundaries of the development.
 - 3. Show the location of all existing fire hydrants in and within five hundred (500) feet of the development.
 - 4. For all existing and proposed gas lines and mains, show size, location, name of mains, and outline of easements (if applicable) in and within two hundred (200) feet of the boundaries of the development.
 - 5. For all existing electrical and telephone easements, show size, location, name of major easements, and outline of easements in and within two hundred (200) feet of the boundaries of the development.
 - 6. For all existing and proposed sanitary sewers and sewer easements, show sizes, locations, direction of flow, outlines of easements, manholes, and invert elevations in and within two hundred (200) feet of the boundaries of the development.
- (n) If the development will be subdivided

Lots drawn and numbered in a logical numerical order. Every parcel of land within the development shall have a lot number.

- (o) Any additional information determined by the Planning Commission or the City Commission as necessary to adequately review the proposed development.

Statements to be included on the preliminary plan:

- (a) Total acres of the development
- (b) Number of proposed building Units: Single Family Unit and Townhouse
- (c) Number of Community Lots
- (d) Total Acres of Community Lots
- (e) Proposed Density
- (f) Present zoning of tract, and zoning applied for.
- (g) Source of water supply. If public water supply is not available; state nearest location, size of line, utility company's name, and whether water supply will be from wells.
- (h) Source of Topographic Quotation and natural features
 - 1. If the topographic was obtained from a source other than an actual field survey, use the following quote:
"Topographic and natural features were obtained from (source) and has been field verified to insure its accuracy."
Examples of (source): Interpolated TVA quadrangle, Chattanooga quadrangle, Daisy quadrangle, etc.; aerial topographic map-Atlantic Aerial Survey; etc.
 - 2. If the topographic and natural features were taken from an actual field survey, use the following quote:
"Topographic and natural features were obtained from an actual field survey dated _____, conducted by _____. Elevations were determined from benchmark or monument located at _____, elevation _____."
- (i) For the Community Lot(s) and the open space; note the following:
"No building permit is to be issued for a residential, commercial, or industrial building on the Community Lot and open space. Lots are used for recreational purposes only. Maintenance to be assumed by the developer until lot is deeded to home owners in the subdivision, or to a homeowners association."
- (j) Special notations and information, if required.
The Planning Commission shall hold a public hearing on the proposed Preliminary PRD Plan. Notice and publication of such public hearings shall conform to the procedures used by the Chattanooga-Hamilton County Regional Planning Commission.
Upon the approval or disapproval by the Planning commission, the Preliminary PRD Plan shall be submitted to the City Commission for consideration, public hearing and action. The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the Preliminary PRD Plan, with specific reference to, but not limited to, the following conditions:
 - (1) The property adjacent to the area included in the plan will not be adversely affected.
 - (2) The plan is consistent with the intent and purpose of these Regulations to promote public health, safety, morals, and general welfare.
 - (3) That the buildings shall be used only for residential only and the usual accessory uses such as private or storage garages, storage space, and for community activities, including schools.
 - (4) There is a need for such development in the proposed location.
 - (5) There is reasonable assurance that development will proceed according to the approved PRD plan.

No Preliminary PRD Plan shall be approved by the City Commission, unless it is first submitted

to and approved by the Chattanooga-Hamilton County Regional Planning Commission or if disapproved, shall receive the favorable vote of a majority of the entire membership of the City Commission.

C. Final Planned Residential Development Plan

Approval of the Planned Residential Development Zone shall be conditioned to the approved final Planned Residential Development Plan. Upon approval, or approval with conditions, of the Preliminary PRD Plan by the City Commission, the applicant shall complete a Final PRD Plan for review by the Chattanooga-Hamilton County Regional Planning Agency (RPA). The Final PRD Plan shall substantially conform to the Preliminary PRD Plan and all the recommended changes and comments. When a Final PRD is approved, or approved with conditions, by the RPA, the RPA shall submit a resolution to the City Commission recommending that the Final Planned Residential Development be approved or approved with conditions. The Final PRD drawing, together with a list of any conditions not shown on the drawing, shall be attached to the RPA Resolution.

After notice and publication, the City Commission shall hold a public hearing to review the Final PRD Plan and take legislative action. The City Commission, by Resolution, may approve or approve with conditions, the Preliminary and Final PRD Plan. A copy of the Final PRD Plan drawing together with any conditions not shown on the drawing shall be attached to the resolution as exhibits.

The resolution by the City Commission approving the Preliminary and Final PRD Plan shall have attached thereto, as an exhibit, the official PRD Plan. The PRD Plan becomes a legal enforceable document after it is approved by the City Commission. The requirements of the PRD plan shall apply to the development site and shall not be nullified by transfer of land ownership.

The City Commission, by ordinance, might approved the PRD Zone and the approval shall be conditioned to the approved PRD Plan. A copy of the Final PRD Plan drawing together with any conditions not shown on the drawing and the resolution shall be attached to the ordinance of approving the PRD Zone and becomes a legal enforceable document.

If the proposed development will be subdivided, the final plan shall meet the requirements of Lakesite Subdivision Regulations.

406.12 Expiration of the Approval

Approval of the Preliminary PRD Plan shall expire twelve (12) months from the date after its approval by the City Commission if the Final PRD Plan has not been submitted to the Regional Planning Agency. Submittal of a Final PRD Plan shall constitute an automatic extension of the Preliminary PRD Plan; or if the Preliminary PRD Plan expires prior to submittal of a Final PRD Plan, the City Commission may grant an extension for an additional period not to exceed six (6) months upon condition that no major changes have been made to the Plan as originally approved, and provided that no other reason or circumstance, as determined by the Planning Agency staff, warrants resubmittal to the Planning Commission.

406.13 Changes and Modifications

All changes and modifications to the final PRD Plan after the zone has been approved shall be through a new petition of rezoning.

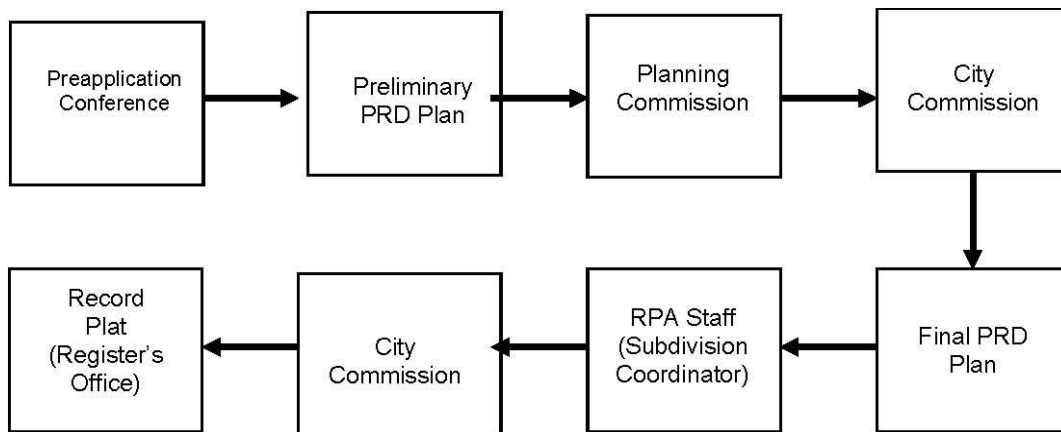
406.14 Issue of Building Permits

No building permits shall be issued until after approval of the Final PRD Plan. The building official shall revoke any permit issued in reliance upon said plan as finally approved at such time as it reasonably becomes obvious that such plan is not being complied with; and notice shall be given to the Planning Commission staff.

406.15 Reasons for Denial of a PRD Plan

The City Commission may deny the request of rezoning for PRD with specific reference to, but not limited to, the following conditions:

- (a) Failure of the proposal to conform to the standards set out in these regulations;
- (b) Approval of the proposal would be detrimental to the public safety, health or general welfare,
- (c) Approval of the proposal would not be in the best interest of the local government.
- (d) There is a reasonable doubt that the development will not proceed according to the approved development plan.
- (e) The proposal is not consistent with the intent of the zoning regulations.
- (f) The proposal is not consistent with the adopted plans or policies including the general land use plan.



CHAPTER IV ZONES

SECTION 407 MIXED USE ZONE (MXU)

407.01 Intent

The purpose of this zone is to allow medium intensity mixed-use suburban development that is compact, diverse, walkable, and urban in character and form. It encourages a market-driven alternative to conventional suburban development for sites that are neither appropriate for retail-only or residential-only use. The Mixed Use Zone introduces a focus on the form of development rather than just the uses. This makes it possible to create special destinations with a “sense of place”.

407.02 Location

A. The MXU shall be located so that its primary access is via a minor arterial or greater as defined by the Functional Classification of Streets and Roads by the City of Lakesite.

B. The MXU shall be located primarily in suburban or urbanized rural areas served by sewers.

407.03 Area Requirements

Minimum Land Area: The minimum development site size for a MXU shall be 10 acres.

Maximum Land Area: There shall be no maximum development site size for a MXU.

Minimum Lot Size: The minimum lot size within the MXU shall be 2,500 square feet.

Maximum Building Footprint: The maximum building footprint within the MXU shall be 25,000 square feet.

Smaller parcels of land may be considered when site adjoins an existing Mixed Use Zone (MXU) and such site uses will be incorporated into the adjoining plan.

407.04 Permitted Uses

Residential: A residential component shall be required in the MXU (see Section 407.06 for specific requirements). The residential component may include, but is not limited to single-unit dwellings, duplexes, townhouses, condominiums, apartments. The number of dwelling units on each lot shall be limited by the minimum parking space requirements.

Office: Office Building. The building area available for office use on each lot shall be limited by the minimum parking space requirements.

Limited Retail: Restaurants, Retail Buildings. The building area available for retail use shall be limited by the minimum parking space requirements. Retail shall be further limited to 35% of the total land area of the MXU site. Retail uses shall be sited away from existing off-site adjacent residential-zoned properties.

Limited Lodging: Hotels, Motels, Inns. Lodging shall only be permitted if it is determined to be compatible with existing surrounding uses as part of the review process. The number of guest rooms available on each lot shall be limited by the minimum parking space requirements. Lodging shall be further limited to 50% of the total land area of the MXU site. The combined total land area of lodging and retail shall not exceed 50% of the total land area of the MXU site.

Civic Spaces: Schools, Religious Facilities, Public Pavilions, Greens, Squares, Plazas, Parks, Playgrounds. A minimum of 10% of the total land area of the MXU site shall be used for one or more of the public civic spaces as described in Section 407.07.

Mixed Use Buildings: Retail, Office, and Residential uses may be included with the same structure.

407.05 Prohibited Uses:

Manufacturing Facilities, Warehouses and Mini-Warehouses, Adult-Oriented Establishments, Vehicle Sales or Vehicle Repair Facilities, Fuel Service Stations, Commercial Communications Towers, Convenience Markets, Outdoor Commercial Storage, Outdoor Display or Sales. Signage-Signs not relating to identification of or direction to premises and occupants, or to products sold or services rendered on the premises are prohibited

407.06 Residential

Required: A residential component shall be required in the MXU site. The residential component may include, but is not limited to single-unit dwellings, duplexes, townhouses, condominiums, apartments.

Density: The residential density shall be a minimum of 0.75 units per acre.

Unit Size: The residential unit size shall be a minimum of 1,200 square feet. Furthermore, every 1,200 square feet of residential square footage shall be considered as one (1) unit. For example, a 2,400 square foot dwelling would be considered as two units.

Placement: Not less than 50% of the residential units shall be located above non-residential uses within the same structure. A different placement and percentage may be permitted or required as part of the review process.

407.07 Civic Spaces

A minimum of 10% of the total land area of the MXU site shall be used for one or more of the following public civic space types:

Green: An open space, available for unstructured recreation. It shall be centrally located so as to function as an easily accessible public open space. A green is spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. It may also include a public pavilion. Easements for greenways and multi-use paths shall be credited toward the 10% civic space requirement. Parking landscape islands are not given civic space credit.

Square: An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns, fountains, and trees, formally disposed. It may also include a public pavilion. Squares shall be located at the intersection of important thoroughfares.

Plaza: An open space, available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. It may also include a public pavilion. Trees are optional. Plazas shall be located at the intersection of important streets.

Playground: An open space designed and equipped for the recreation of children. A playground shall be fenced and may include an open shelter or public pavilion. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.

Walkways: Walkways with a minimum width of 5 feet are required that connects the civic spaces with a public right-of-way or other public access point if the civic space cannot be accessed from the required sidewalks.

407.08 Environmental Requirements

The alteration of the natural environment shall be subject to local, state, and federal guidelines.

Riparian: The riparian corridors of blue-line streams, as indicated on United States Geologic Survey (USGS) Quadrangle Maps, shall be a minimum of 15 feet in width on each side of the stream. The riparian corridors shall be maintained free of structures, except that thoroughfare crossings may be allowed. Streams may be moved only if approved by the Tennessee Department of Environment and Conservation.

Storm Water: Regional storm water detention facilities may be utilized if approved by the Hamilton County Water Quality staff. There shall be no retention or detention required on individual lots. Storm water retention and detention ponds and facilities may be placed within a "green" civic space and shall be credited toward the 10% civic space requirement of the MXU if they are natural or constructed as Bioretention Cells, Grass Swales, or Filter Strips and approved by the water quality staff.

Trees: The MXU site shall provide a minimum of 15% tree canopy coverage with either existing or planted trees calculated as a percentage of the total land area (including streets, buildings, etc.) of the MXU site. Planted tree canopy coverage is determined by an estimate of the tree's coverage at maturity. Trees necessary to meet the MXU landscape requirements can be credited

toward meeting the required 15% tree canopy requirement.

407.09 Parking Standards

Minimum Requirements: The standards for off-street parking and loading space requirements as described by the Building Official.

Reduced Parking: The minimum parking space requirements for non-residential uses may be reduced by as much as 40% if approved by the City Engineer.

Shared Parking: Parking may be shared between differing uses if a suitable arrangement is approved by the City Engineer.

407.10 Public Frontages

The public frontage is the space between the edge of the right-of-way and the edge of the curb. It usually includes walkways, landscaping and lighting. This space shall be a minimum of 12 feet from edge of the curb to the edge of the right-of-way.

Sidewalks: Sidewalks with a minimum width of 6 feet are required within the public right-of-ways. New sidewalks shall connect to any existing sidewalks.

Trees: Trees shall be planted within the public right-of-way between the sidewalk and the curb either in a grass strip or in individual tree wells combined with pervious concrete or pavers with a minimum width of 2 feet. The minimum planting ratio is 1 tree per 35 linear feet of right-of-way frontage. The minimum spacing between trees shall be 15 feet measured trunk to trunk. The maximum spacing is 50 feet. This provision only applies to new sidewalks constructed as part of the development unless permission is obtained from the proper authority to include trees within the right-of-way of an existing sidewalk.

Bicycles: a Class II on-street bike lane or Class III on-street bike route shall be constructed on any street if deemed necessary by the Regional Planning Agency staff for the uninterrupted continuation of an existing or planned bike facility of the same type as identified by the Chattanooga-Hamilton County Bicycle Master Plan.

407.11 Private Frontages

The private frontage is the space between the edge of the right-of-way and the principal building.

Walkways: A pedestrian connection shall be provided to existing or planned sidewalks within a public right-of-way from buildings with a front set back 25 feet or more.

Trees: Trees shall be planted in a street yard, if determined to the satisfaction of the Building Official that trees cannot be planted within an existing or new public right-of-way between the sidewalk and travel lane.

The following items are provided as useful information. They may be used but are not requirements.

Porch & Fence: a frontage wherein the façade is set back from the frontage line with an attached porch permitted to encroaching. A fence at the frontage line maintains the demarcation of the yard. The porches are usually no less than 8 feet deep.

Terrace or Light Court: a frontage wherein the façade is set back from the frontage line by an elevated terrace or a sunken light court. This type buffers residential use from the urban sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes.

Forecourt: a frontage wherein a portion of the façade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhand the sidewalks.

Stoop: a frontage wherein the façade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually and exterior stair and landing. This type is recommended for ground-floor residential use.

Shopfront and Awning: a frontage wherein the façade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial

glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.

Gallery: a frontage wherein the façade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery should be no less than 10 feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.

Arcade: a frontage wherein the façade is a colonnade that overlaps the sidewalk, while the façade at sidewalk level remains at the frontage line. This type is conventional for retail use. The arcade should be no less than 12 feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.

407.12 Vehicular Lanes

Public Streets - All public streets shall be constructed in accordance with plans and specifications furnished by the City Engineer on a dedicated right-of-way having a minimum width of 40 feet. Projected design speeds can determine the dimensions of the vehicular lanes and turning radii assembled to create thoroughfares. Special requirements for truck and transit bus routes and truck loading shall be determined. The following items in the table below are provided as useful information. They may be used with approval from the City Engineer, but are not requirements.

DESIGN SPEED	TRAVEL LANE WIDTH
20-25 mph	9 feet
25-35 mph	10-11 feet
Above 35 mph	12 feet

DESIGN SPEED	PARKING LANE WIDTH
20-25 mph	(Angle) 18 feet
20-25 mph	(Parallel) 7 feet
25-35 mph	(Parallel) 8 feet
Above 35 mph	(Parallel) 9 feet

DESIGN SPEED	EFFECTIVE TURNING RADIUS
Below 20 mph	5-10 feet
20-25 mph	10-15 feet
25-35 mph	15-20 feet
Above 35 mph	20-30 feet

407.13 Building Setback

Building setback is measured from the property line.

Front: No minimum, 25 feet maximum. However, if the building setback is 25 feet or greater, the frontage line shall be defined with trees spaced no farther than 20 feet apart or a low fence or wall with a minimum height of 36 inches. Chain link fencing is not permitted along the frontage line.

Side: No minimum, except as determined necessary by Fire Code and Building Official.

Rear: No minimum, except as determined necessary by Fire Code and Building Official.

Perimeter: The perimeter setback shall be no less than 25 feet, except that a lesser setback is approved by the Building Official.

Attached Buildings: For attached fee-simple buildings there shall be no interior side yard requirement. Such buildings must meet all building code requirements for zero-lot line construction.

407.14 Building Height

Maximum: 5 stories or 70 feet, including parapets. A building may exceed these requirements provided that the façade shall be set back a minimum of 10 feet for every grouping of 1 to 5 stories above the first 5 stories; or for every foot of additional height over 70 feet, the building shall be set back 1 additional foot from the front property line.

Minimum: 2 stories or 20 feet, including parapets.

407.15 Landscaping Requirements

Refer to Chapter III, Section 306.

407.16 General Requirements

- (a) Underground Utilities: Utility transmission lines within the development shall be placed underground.
- (b) Signage: Signs not relating to identification of or direction to premises and occupants, or to products sold or services rendered on the premises are prohibited.
- (c) Lighting: Lighting shall be at an appropriate height, appropriate lumens, and directed away from any residential structure within or adjacent to the MXU site so as not to be intrusive or disruptive.
- (d) Dumpsters: Dumpsters shall be located away from residential areas and shall limit the hours of pickup service from 8 a.m. to 6 p.m.

407.17 Development Plan

- (a) A development plan shall be prepared by a licensed architect, landscape architect, or civil engineer.
- (b) A vicinity map showing the location, existing zoning, and location of the perimeter boundaries of the land areas included in the application shall accompany the development plan.
- (c) The development plan shall be drawn at a minimum scale of one inch equals fifty feet and shall graphically show the following:
 - (1). Existing surrounding development and land uses.
 - (2) Boundaries, dimensions, square footage, densities and locations of proposed buildings, parking areas and other improvements and facilities to be constructed within the development along with such other pertinent information.
 - (3) Proposed Uses: Each land use category (Open Residential, Limited Lodging, Open Office, Limited Retail, Civic Space) along with the percentage amount of the MXU site that each category covers.
 - (4) Location of street trees, landscaped buffers and other known tree areas with percentage of mature tree canopy coverage.
 - (5) Existing and proposed streets, thoroughfares, access drives, service drives, parking arrangements, pedestrian walks, cycle paths, intersections, safety areas.
 - (6) Retention ponds, detention ponds, and other storm water drainage facilities.
 - (7) Key environmental features such as topography, wetland, drainage pattern, any 100-year flood levels, streams and vegetation.
- (d) Protective Covenants: All development plans shall include protective covenants for the planned development. These covenants shall indicate the use and design of structures in the planned complex as well as establishing measures to protect occupants of the development from incompatible uses and structures and be recorded as part of the MXU.
- (e) The requirements of the MXU development plan shall apply to the development site and shall

not be nullified by transfer of land ownership.

- (f) A traffic study may be required by the City Engineer. If necessary, it shall be submitted with the MXU Development Plan.
- (g) If the proposed development will be subdivided, the final plan shall meet the requirements of Lakesite Subdivision Regulations.

407.18 Staging

Staging of development may be permitted subject to the approval of the entire development with all phases included.

407.19 Process

- A. Prior to filing an application for approval of a MXU Development Plan, the applicant shall confer with the planning staff, the Water Quality staff, and the city staff concerning policy and procedure relative to the application. The purpose of the pre-application conferences is to discuss the overall concept of the proposal early and informally, before the applicant has made substantial financial commitments. Major problems may be identified and solved before formal application. Community goals, plans and regulations that might affect the proposal can also be identified and discussed. The applicant is encouraged to have a sketch plan for the pre-application conference. This is an opportunity for the Planning Staff, Stormwater staff and City Staff to provide informed feedback on the project.
- B. A Mixed Use Zone Application and complete Development Plan shall be submitted at time of application to the Chattanooga-Hamilton County Regional Planning Agency for its review and recommendations to the Planning Commission and City Commission.
- C. In addition to the development plan, other additional information may be required as determined necessary to adequately review the proposed development.
- D. A community or neighborhood public meeting organized by the applicant for the purpose of informing residents and property owners near the project site about the proposed development is encouraged.
- E. Approval of the Mixed Use Zone shall be subject to approval of Mixed Use Zone Development Plan.
- F. No Mixed Use Zone Development Plan shall be approved by the City Commission unless it is first submitted to the Chattanooga-Hamilton County Regional Planning Commission and the Planning Commission.
- G. Upon the recommendation for approval, approval with conditions, or disapproval by the Planning Commission, the Mixed Use Zone Development Plan shall be submitted to the City Commission for consideration, public hearing and action. The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the Mixed Use Zone Development Plan, with specific reference to, but not limited to, the following conditions:
 - 1. The property adjacent to the area included in the plan will not be adversely affected;
 - 2. The plan is consistent with the intent and purpose of this Ordinance to promote public health, safety, morals, and general welfare.
 - 3. There is a need for such development in the proposed location.
 - 4. There is a reasonable assurance that development will proceed according to the approved development plan.

- H. After notice and publication, the City Council shall hold a public hearing to review the Mixed Use Zone Application & Development Plan and take legislative action.
- I. The City Commission, by Resolution, may approve or approve with conditions, the Mixed Use Zone Development Plan. A copy of the Final Mixed Use Zone Development Plan drawing together with any conditions not shown on the drawing shall be attached to the resolution as exhibits.
- J. The City Commission, by ordinance, might approved the Mixed Use Zone and the approval shall be conditioned to the approved Mixed Use Zone Development Plan. A copy of the Final Mixed Use Zone Development Plan drawing together with any conditions not shown on the drawing and the resolution shall be attached to the ordinance of approving the Mixed Used Zone and becomes a legal enforceable document.
- K. All traffic and road improvements as required by the City Traffic Engineer shall be complete before a certificate of occupancy is issued for the non-residential use structures.

407.20 Expiration of the Approval

If the work described in the Development Plan has not begun within six months from the date of approval or other time decided by the City Commission, and completed within twenty four (24) months of the issuance, the approval of the MXU zone shall be revoked. The applicant will be required to reapply and the application will be reheard upon the grounds stipulated by the applicant as of the time of the new application. The City Commission may grant an extension for an additional period not to exceed six (6) months upon condition that no changes have been made to the Plan as originally approved. The City Commission shall notify the RPA of the extension.

407.21 Changes and Modifications

All changes and modifications to the final Development Plan after the zone has been approved shall be through a new petition of rezoning.

407.22 Issue of Building Permits

No building permits shall be issued until after approval of the Final Development Plan. The building official shall revoke any permit issued in reliance upon said plan as finally approved at such time as it reasonably becomes obvious that such plan is not being complied with; and notice shall be given to the Planning Commission staff.

407.23 DEFINITIONS:

Bioretention cell is a multi-functional landscaped depression that uses plants and layers of soil, sand, and mulch to control runoff volume and timing, reduce the temperature of and remove pollutants from storm water before it enters local waterways. Bioretention cells can be incorporated into open space, roadway swales, and parking areas.

Components of a Typical Bioretention Cell including: (Source: Low-Impact Development Center)

Grass buffer strips – reduce runoff velocity and filter particulate matter.

Gravel/sand bed – provides aeration and drainage of planting soil and assists in the flushing of pollutants from soil materials.

Ponding area – provides storage of excess runoff and facilitates the settling of particulates.

Organic layer – filters pollutants and prevents soil erosion

Planting soil – provides area for storm water storage and nutrient uptake by plants.

Vegetation – removes water through evapotranspiration and pollutants through nutrient cycling.

Class II On-Street Bike Lane: Class II facilities include bicycle lanes and shouldered bikeways. A bicycle lane is a portion of the roadway separated from conventional travel lanes with a stripe, and designated

for exclusive or preferential use by bicyclists. They are one-way facilities placed on both sides of a street in order to carry bicyclists in the same direction as motor vehicle traffic.

Class III On-Street Bike Route: Class III facilities include bicycle routes. On a bike route, bicyclists and motorists share the same travel lanes. Motorists will typically have to move into the adjacent lane in order to safely pass a bicyclist.

Filter Strip: A narrow band of vegetation used to filter storm water runoff either before it enters a storm water management device or another body of water. Filter strips can be incorporated into parking lots or along the edge of other paved surfaces and are most effective when used in combination with other storm water management techniques.

Grass Swales: Can be used as an alternative to curb and gutter systems and can often be effectively combined with bioretention cells.

Greenway: Simply stated, a greenway is a corridor of protected open space managed for conservation, recreation and non-motorized transportation. Greenways are corridors of land recognized for their ability to connect people and places together. These ribbons of open space are located within linear corridors that are either natural, such as rivers and streams, or manmade, such as abandoned railroad beds and utility corridors. Greenways as vegetated buffers protect natural habitats, improve water quality and reduce the impacts of flooding in floodplain areas. Most greenways contain trails, which enhance existing recreational opportunities, provide routes for alternative transportation, and improve the overall quality of life in an area.

Land Area: Ground surface necessary for buildings, required parking, service drives and landscaped areas.

Multi-Use Path: The constructed path within a greenway. They do not allow motor vehicle traffic, but they do permit a range of non-motorized travel including bicycling, walking, running and in-line skating.

Pervious Surface: A surface that permits full or partial absorption of water into the ground.

Tree Canopy: The effective radial circumference area of a mature tree's vegetative cover, including all branches and leaves. The canopy can be conveyed in values of percentage area of total land space being assessed or by numerical measurement.

CHAPTER IV ZONES

SECTION 408 C-1 COMMERCIAL ZONE

408.01 Principal Uses Permitted:

- (a) Banks
- (b) Barber shops or beauty shops
- (c) Studios
- (d) Restaurants and other establishments serving food and beverages
- (e) Theaters
- (f) Shoe repair
- (g) Grocery stores.
- (h) Florists
- (i) Schools, churches and other public and semi-public buildings
- (j) Plumbing workshops, electrical, radio and TV shops and other similar uses.
- (k) Offices.
- (l) Service Stations
- (m) Drug Stores
- (n) Gift shops
- (o) Apparel, fabric, and dry goods stores
- (p) Bakeries and delicatessens whose products are sold only at retail and on the premises
- (q) Professional, medical, dental, and psychological offices and Clinics and social agencies

(Ord. #195, 6/15/10)

408.02 Uses Permitted as Special Exceptions by the Commission,:

- (a) Laundromats,
- (b) Miniature golf courses and similar outdoor amusement facilities.
- (c) A residence for a watchman and family.
- (d) Recreational Marinas, may include guest lodging as accessory use.
- (e) Commercial Communications Towers
- (f) Recreational Vehicle Park
- (g) Package Liquor Stores
- (h) Adult oriented establishments as defined in Lakesite Municipal Code §9-301
- (i) Hotels/Motels
- (j) Retail Sales and Service Establishments not listed in section 408.01 but which are similar in character, consistent with the land use plan and are compatible to the surrounding use.
- (k) Day Care Centers (Ord. #201, 5/17/11)
- (l) Car lot (as defined in Section 200 of Definitions) (Ord. #204, 8/10/11)

(Ord. #195, 6/15/10)

408.03 Height and Area Regulations

- (a) No building shall exceed in height the shortest distance from such building to the nearest boundary of a residential zone.
- (b) There shall be a front yard of not less than twenty five (25) feet.
- (c) There shall be a side yard of not less than ten (10) feet were permitted use adjoins a residential zone.
- (d) There shall be a rear yard of not less than twenty-five (25) feet where the permitted use joins a residential zone.

408.04 Off-Street Parking and Loading Regulations:

Parking and Loading Requirement: reference to CHAPTER III GENERAL REGULATIONS
Section 307 Parking and Loading Requirements (Ord. #205, 9/20/11)

408.05 Landscape Requirements:

Refer to Chapter III, Section 306.

CHAPTER IV ZONES

SECTION 409 M-2 LIGHT INDUSTRIAL ZONE

409.01 Principal Uses Permitted:

- (a) Apparel and other finished fabric manufacturers
- (b) Blueprint and related shops
- (c) Cabinet making and woodworking shops
- (d) Cold storage plants
- (e) Contractor's offices and accessory storage uses
- (f) Electrical machinery, tools, equipment, and supplies assembly
- (g) Food and food products, packaging and distribution
- (h) Furniture and household goods manufacture
- (i) Gas metering and control stations
- (j) Greenhouses (Wholesale only)
- (k) Jewelry, silverware, and plated ware manufacture
- (l) Laboratories: research, testing and medical
- (m) Lumber yards
- (n) Musical instruments and parts manufacture
- (o) Photographic and optical goods production
- (p) Printing and publishing services, except small commercial photocopy shops and other similar operations
- (q) Professional, scientific and controlling instrument manufacture
- (r) Re-packaging
- (s) Steel and other fabrication and assembly, but not including the processing and/or refinement of elemental, raw materials into steel or other products
- (t) Utility and public service uses
- (u) Warehousing
- (v) Wholesaling
- (w) Wholesale produce markets

409.02 Uses Permitted as Special Exceptions by the Commission.:

- (a) Commercial Communications towers.
- (b) DELETED (Ord. #201, 5/17/11)
- (c) Microwave stations, including towers
- (d) Rug cleaning plants
- (e) Textile production

409.03 Any use shall comply with all currently adopted codes of the City of Lakesite (Federal, State, or local) with regard to fire and explosive hazards, smoke, dust, fly ash, fumes, or odor.

409.04 Height and Area Regulations:

- (a) No building shall exceed 35 feet in height except that a building may exceed 35 feet in height provided either that for every foot of additional height over 35 feet the building shall be set back one (1) additional foot from all property lines; or that if any point on the exterior surface of the building is above 35 feet in height, the vertical projection of such point upon the ground shall not be nearer to any property line than a horizontal distance equal to the height of such point above the ground.
- (b) There is no minimum building site area.
- (c) There shall be a front yard of not less than 25 feet.
- (d) There shall be a side yard of not less than 25 feet where the side yard adjoins a residential zone.
- (e) There shall be a rear yard of not less than 25 feet where the rear yard adjoins a residential zone.

- (f) No site shall be covered with building to an extent greater than 50 percent of the area of said site.
- (g) Other than as provided above, no other front, rear or side yards are required, but where buildings are separated, the distance between them shall be at least 10 feet.

409.05 General Provisions:

- (a) No free-standing sign shall be permitted within 25 feet of a residential zone.
- (b) Signs illuminated by exposed tubes, bulbs or similar exposed light sources shall be prohibited.
- (c) Exterior spot lighting or other illumination of structures shall be directed away from adjoining residential zones.
- (d) No storage shall be permitted in required front, side, or rear yards.
- (e) Any industrial use shall be screened on all side yard and rear yard lot lines adjoining a residential use or zone.

409.06 Landscape Requirements

Refer to Chapter III, Section 306.

409.07 Parking and Loading Requirement

Reference to CHAPTER III GENERAL REGULATIONS Section 307 Parking and Loading Requirements (Ord. #205, 9/20/11)

CHAPTER V. FLOODPLAIN REGULATIONS

**501 STATUTORY AUTHORIZATION, FINDINGS OF FACT,
PURPOSE AND OBJECTIVES**

501.01 Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Commission does ordain as follows:

501.02 Findings of Fact

1. The City of Lakesite, Tennessee, wishes to establish eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the City of Lakesite, Tennessee are subject to periodic inundation, primarily along the banks of the Tennessee River at or below the 690' elevation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

501.03 Statement of Purpose

It is the purpose of this regulation to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This regulation is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

501.04 Objectives

The objectives of this regulation are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To **establish** eligibility for participation in the NFIP.

Section 502 DEFINITIONS

Unless specifically defined below, words or phrases used in this regulation shall be interpreted as to give them the meaning they have in common usage and to give this regulation its most reasonable application given its stated purpose and objectives.

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this regulation, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this regulation or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

"Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see **"Structure"**.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

"Exception" means a waiver from the provisions of this regulation which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this regulation.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or regulation adopted by the community as a basis for that community's participation in the NFIP.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or regulation adopted by the community as a basis for that community's participation in the NFIP.

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "Floodprone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of

corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or "Flood-related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship

building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the City of Lakesite, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this regulation.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home

lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this regulation, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this regulation or the effective date of the initial floodplain management regulation and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see **"Base Flood"**.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling but as

temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Flood Hazard Area" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this regulation, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this regulation.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this regulation is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

503 GENERAL PROVISIONS

503.01 Application

This regulation shall apply to all areas within the incorporated area of the City of Lakesite, Tennessee.

503.02 Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified in the City of Lakesite, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community 47065 Panel Number(s) 235 and 255, dated November 7, 2002, along with all supporting technical data, are adopted by reference and declared to be a

part of this regulation.

503.03 Requirement for Development Permit

A development permit shall be required in conformity with this regulation prior to the commencement of any development activities.

503.04 Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this regulation and other applicable regulations. In no case will a development permit be issued at or below the 690' elevation.

503.05 Abrogation and Greater Restrictions

This regulation is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this regulation conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

503.06 Interpretation

In the interpretation and application of this regulation, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

503.07 Warning and Disclaimer of Liability

The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This regulation shall not create liability on the part of the City of Lakesite, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made hereunder.

503.08 Penalties for Violation

Violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lakesite, Tennessee from taking such other lawful actions to prevent or remedy any violation.

504 ADMINISTRATION

504.01 Designation of Administrator

The **Building Official** is hereby appointed as the Administrator to implement the provisions of this regulation.

504.02 Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this regulation.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this regulation.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Section 505.01 and 505.02.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or

under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

504.03

Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this regulation have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 504.02.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 504.02.
8. When floodproofing is utilized for a nonresidential structure, obtain

certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 504.02.

9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this regulation.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Lakesite, Tennessee FIRM meet the requirements of this regulation.
11. Maintain all records pertaining to the provisions of this regulation in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this regulation shall be maintained in a separate file or marked for expedited retrieval within combined files.

Section 505 PROVISIONS FOR FLOOD HAZARD REDUCTION

505.01 General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this regulation, shall meet the requirements of "new construction" as contained in this regulation;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this regulation, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

12. All subdivision proposals and other proposed new development proposals shall meet the standards of Section 505.02;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

502.02

Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 501.01, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been

established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Section 502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 504.02.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 505.02.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on:
(1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 502).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections 505-01 and 505.02.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals

shall be consistent with the need to minimize flood damage.

- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 505.05).

505.03

Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Section 503.02, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Lakesite, Tennessee and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 505.01 and 505.02.

505.04

Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Section

503.02, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 505.02 and 505.02.

505.05

Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Section 503.02, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Section 505.01 and 505.02.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 504.02. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 505.02.
4. Within approximate A Zones, where Base Flood Elevations have not

been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Lakesite, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 505.01 and 505.02. Within approximate A Zones, require that those subsections of Section 505.02 dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

505.06

Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas established in Section 503.02, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Section 505.01 and 505.02, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 505.02.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect

shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation and shall provide such certification to the Administrator as set forth above and as required in accordance with Section 504.02.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

505.07 Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Section 503.02, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Section 504 and 505 shall apply.

505.08 Standards for Unmapped Streams

Located within the City of Lakesite, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 504 and 505.

Section 506 VARIANCE PROCEDURES

506.01 Board of Floodplain Review

1. Creation and Appointment

A Board of Floodplain Review is hereby established which shall consist of three (3) members appointed by the Chief Executive Officer. The term of membership shall be four (4) years except that the initial individual appointments to the Board of Floodplain Review shall be terms of one, two, and three years, respectively. Vacancies shall be filled for any unexpired term by the Chief Executive Officer.

2. Procedure

Meetings of the Board of Floodplain Review shall be held at such times, as the Board shall determine. All meetings of the Board of Floodplain Review shall be open to the public. The Board of Floodplain Review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Board of Floodplain Review shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Board of Floodplain Review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this regulation. Such appeal shall be taken by filing with the Board of Floodplain Review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$50.00 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Floodplain Review all papers constituting the record upon which the appeal action was taken. The Board of Floodplain Review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty-five days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Board of Floodplain Review shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision,

determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this regulation.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The City of Lakesite, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this regulation.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this regulation to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Board of Floodplain Review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulations, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

- j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this regulation, the Board of Floodplain Review may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this regulation.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

506.02

Conditions for Variances

- 1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 506.01.
- 2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- 3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- 4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

Section 507

Warning and disclaimer of liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of the special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create a liability on the part of the City of Lakesite, Tennessee, or by any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

CHAPTER VI APPEALS AND VARIANCES

SECTION 601 CITY COMMISSION TO CONSIDER APPEALS FOR VARIANCES OR SPECIAL EXCEPTIONS

The City of Lakesite has not created a Board of Zoning Appeals as contemplated by T.C.A. §13-7-205.

Thus, the City Commission shall have the power to the following:

- (2) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Building Official or any other administrative official in the carrying out or enforcement of any provision of the Zoning Ordinance;
- (3) Hear and decide, in accordance with the provisions of the Zoning Ordinance, requests for special exception permits or for interpretation of the zoning map or for decisions upon questions of lot lines or zoning boundary lines or similar questions as they arise in the administration of the Zoning Ordinance.
- (4) Grant variances and adjustments in the area and building site regulations of this Zoning Ordinance in cases where strict application of the regulations would result in practical difficulty or unnecessary hardship; but only in harmony with the spirit and intent of these regulations and in such a manner as to grant relief without substantial injury to the public interest and rights.

SECTION 602 CONDITIONS FOR DECISION

The variance shall be used only where necessary to overcome some obstacle which is preventing the use of property as the Zoning Ordinance intended. Ordinarily, Variances shall not be granted on lots subdivided after the effective date of this Ordinance. Before a variance or a special exception permit may be granted, the City Commission must find that the following conditions exist:

- (1) That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the Zoning Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the Zoning Ordinance would result in peculiar and practical difficulties or undue hardships upon the owner to develop his property in accordance with the use provisions of the Zoning Ordinance.
- (2) That the relief of the peculiar hardships practical difficulties or undue hardships would not establish substantial detriment to the public good or substantially impair the intent and purpose of the land use plan and Zoning Ordinance.
- (3) That the peculiar hardship, practical difficulties, or undue hardships would apply to the particular land or building regardless of the owner.
- (4) That the peculiar hardship, practical difficulties, or undue hardship is not created as the result of an act upon the part of the applicant.
- (5) That the peculiar hardship, practical difficulties, or undue hardships asserted by the applicant relates only to the premises for the benefit of which the variance or special exception permit is sought and would not be generally applicable to other premises in the City of the personal conditions of the applicant.
- (6) Provided, however, that where the application for a variance or special exception involves only the addition to or extension of an existing building or structure, the City Commission may allow such addition or extension when said addition or extension would be no less conforming as to set back distances than the existing structure or structures on the same or adjacent property. Provided further, that such addition or extension is not in conflict with the character of the area in which the property is located or the spirit and intent of the regulations.

No variance shall be granted unless after public hearing as provided for in this section and the Commission shall find that such variation will not

- (1) impair an adequate supply of light and air to adjacent property,
- (2) increase the hazard from fire and other dangers to said property,
- (3) diminish value of land and buildings throughout the surrounding area,
- (4) increase the congestion or traffic hazards in the public streets or highway,
- (5) impair the public health, safety, comfort, morals, and general welfare of the residents of City of Lakesite

The City Commission may impose such conditions as will lessen any injury to the character of the District.

Any decision by the City Commission acting in this capacity will be made in writing with appropriate findings of fact should an aggrieved party seek review.

SECTION 603 APPLICATION AND PROCEDURE

The applicant shall submit the application to the City Manager or his designee and shall supply such information as the City Commission may require to identify the land and determine the reason for the appeal or review. Each application by a property owner shall be accompanied by a receipt for a fee of one hundred dollars (\$100.00), paid to the City of Lakesite to cover the City's cost of handling the application, no part of which fee is returnable.

Upon receipt of an application, the City Manager or his designee shall schedule a hearing. A notice of the public hearings shall be published in a daily newspaper at least seven (7) days before the hearing.

Persons objecting to the relief sought by the applicant, or interested in the review or determination made by the Commission may likewise set forth their views and actual evidence in writing and be signed by the objectors. The application and objection shall be submitted to the Commission within the time provided in its rules of procedure.

The City Commission shall not rehear any case upon the same grounds within a minimum period of one (1) year of its previous hearing date.

SECTION 604 EXPIRATION

If the work described in any variance has not begun within six months from the date of issuance or other time decided by the City Commission, and completed within twenty four (24) months of the issuance, the variance shall expire. The applicant will be required to reapply for the variance and the application will be reheard upon the grounds stipulated by the applicant as of the time of the new application.

SECTION 605 REVIEWS BY COURT

An appeal of any decision of the City Commission acting in this capacity may be made to a court of competent jurisdiction by any aggrieved, affected party within the time allowed by law.